

THE  
*Justice of Peace*  
HIS CLERKS  
CABINET:

O R,  
A Book of Presidents, or War-  
rants, fitted and made ready to  
his hand for every Case that may  
happen within the compass of  
his Masters Office.

FOR  
The ease of the Justice of Peace, and more  
speedy dispatch of Justice.

---

By WILLIAM SHEPHARD

*John:* Esquire. *W. Wilson*

---

L O N D O N :

Printed by D. Maxwell, for William Lee,  
Daniel Pakeman, and Gabriel Bedell,  
and are to be sold at their Shops in  
Fleet-street. 1660.

7495  
5495  
60

THE  
Office of Peace  
His Clerks

CABINET

O R

A Book of Presidents or War

names, fixed and made ready to  
his hand for every Clerk

*John W. ...*  
The clerk of the Office of Peace, and more

1861

NOV 25 1910  
BY WILLIAM SHEPARD


LONDON

Printed by D. Maxwell, for William ...  
Dain, ... and ...





The  
R E A S O N  
Of the Printing of this  
B O O K.

 Hen wee  
laid down  
and gave  
you the  
learning of  
the Office of the Justice  
of the Peace without  
Warrants, wee shewed  
you what they might do:  
A 2 but

but did not shew you  
how they might do it:  
By the want whereof it  
hath been found, in our  
own and other mens ex-  
perience, that Justice  
hath been somtimes hin-  
dred; for the Justice of  
the Peace, well knowing  
the danger of sending  
abroad a Warrant not  
warranted by the Law,  
both to himself, and the  
inferior Officer that shall  
execute it, and not ha-  
ving a safe Warrant in  
readi-

readinesse, hee hath not  
(especially in a case not  
common) thought it safe  
to trust his Clerk here-  
in, and oft-times by this  
means the offender hath  
escaped. We have been  
therefore much pressed  
to make a supply herein,  
and did purpose to have  
done it in the next Edi-  
tion of the Office of the  
Justice of Peace, which  
(if God will ) may ere  
long with many additi-  
ons and alterations bee  
dis-

dispatched, but that it  
would then have made  
the Booke too big.  
Wherefore wee have  
thought it best to let  
the Reader have them  
afunder, that they may  
be fit Pocket-books for  
the Master and his Man,  
as they please. Wee  
know that something  
hath been done of this  
subject before by others,  
But by that time it hath  
been seen what we have  
done, wee are well as-  
sured

it  
le  
g.  
re  
et  
n  
y  
r  
,  
e  
g  
s  
,  
a  
e  
2

fured it will be said, That  
which wee have done  
herein was not without  
need, and will bee very  
pleasing and profitable to  
the Justice of Peace his  
Clerk, and his Master  
also : and will be well ac-  
cepted of all men.

8

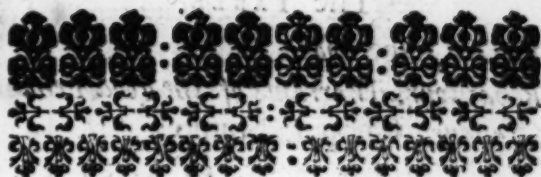
A 4

The

turned it will be said, That  
which wee have done  
herein was not without  
need, and will bee very  
pleasing and profitable to  
the Justice of Peace his  
Clerke, and his Master  
also: and will be well ac-  
cepted of all men.

The

A 4



The  
**T A B L E**

---

**A.**

**A** *Le-houses and Drunkards. War-  
rants about them. Chap.  
10.*

*Mittimus concerning this, Chap. 21.  
Numb. 6.*

*Apprentices. See Poor, Master and Ser-  
vants, in Chap. 11.*

**B.**

*Bailment and Mainprise, See Recogni-  
sances.*

*Bastard,*



The TABLE.

*Bastard, See Peer.*

*Behaviour. Warrants of the good Behaviour, Chap. 7. Numb. 2.*

*See Mittimus for it, in Chap. 21. Numb. 3.*

*See Recognisances for it, in Chap. 20. Numb. 14.*

*Bind over. Warrants to bring in to bind over, Chap. 18.*

*Bridges, See High ways.*

C.

*Certificate. Same Presidents for it, Chap. 25.*

*Constables. Warrants for making new Constables. Chap. 16.*

F.

*Felony. Warrants concerning this. Chap. 4.*

*Mittimus concerning this. Chap. 21. Numb. 1.*

*Superfedeas, in Chap. 22. In Recognisance,*

The TABLE.

*cognisance*, Chap. 20. Numb. 8.

*Forcible Entry. Warrants in it*. Chap. 5.

H.

*High-ways. Warrants about it*. Chap. 17.

I.

*Indentures for Apprentices*, See *Poor*.

Chap. 6. Numb. 11.

*Indictments*. Chap. 26.

L.

*Liberate, Presidents for it*, Chap. 23.

*License, Presidents for it*, Chap. 24.

*Lords Day: Warrants about this*,  
Chap. 3.

M.

*Masters, Servants, Labourers and Ap-  
prentices: Warrants concerning these*,  
Chap. 11.

*Misdemeanors*

## The TABLE.

*Misdemeanor.* A general Warrant for  
*Misdemeanor.* See it in Chap. 19.  
Numb. 1, 3.  
*Mittimus,* Some Rules for, and some  
Presidents of it. Chap. 21.  
*Forcible Entry.* Chap. 5.

## O.

*Orchard :* Warrant for Robbing Or-  
chards, in Chap. 19. Numb. 2.

## P.

*Peace,* Warrants concerning it, and  
against Tumults. Chap. 2.  
*A Warrant of the Peace.* Chap. 7.  
*In supersedeas.* Chap. 21. Numb. 2.  
*See in Recognisances,* Chap. 20.  
Numb. 1, 3.  
*Plague,* Warrants about it. Chap. 15.  
*Poor,* Warrants concerning this. Chap. 6.  
*Prisoner,* Warrant to sell his own goods,  
to pay the charge to carry him to Gaol.  
Chap. 13.

*Rates.*

The TABLE.

R.

Rates : Warrants to make Rates.

Chap. 12.

Riot, Warrants about it. Chap. 5.

Rogues, Warrants concerning them.

Chap. 13.

Mittimus concerning them. Chap. 21.

Numb. 8.

Recognisance and Bailment, the Rules

of it, and Presidents for it. Chap. 20.

S.

Sabbath, See Lords Day.

Superfedeas. Chap. 22.

T.

Testimonial, See License

Trespass. Warrant for small Trespasses,

in Orchards, Hedges, Woods. See it

in Chap. 19. Numb. 2.

War-

## The TABLE.

### W.

- Warrants in general.* Chap. 1.  
*About Felony.* Chap. 4.  
*About the Poor.* Chap. 6.  
*About a Riot.* Chap. 5.  
*About a forcible Entry.* Chap. 5.  
*About the publick Peace.* Chap. 2.  
*About a Bastard.* Chap. 6. Numb. 4.  
*About Ale-houses.* Chap. 10.  
*To sell the Goods of a Prisoner.*  
Chap. 13.  
*About Masters, Servants and Apprentices.* Chap. 11.  
*About Rates.* Chap. 12.  
*For good Behaviour, and Peace.*  
Chap. 7.  
*About High-ways, and Bridges.*  
Chap. 17.  
*About making Constables.* Chap. 16.  
*About the Lords Day.* Chap. 3.  
*For Misdemeanor.* Chap. 19. Num. 1.  
*About the Plague.* Chap. 15.  
*For robbing Orchards.* Chap. 19.  
*About*

## The TABLE.

*About Rogues. Chap. 14.*

*Weights and Measures, Warrants about  
it. Chap. 19. Numb. 5.*

*Watch and Ward, Warrants about it.  
Chap. 9.*

*Witnesses, Warrants to call them in.  
Chap. 8.*

*Recognisances to bind them. Chap. 20.  
Numb. 2, 3.*

*Wood. Warrants for stealing Wood. See  
it in Chap. 19. Numb. 2.*

---

CHAP.

The Table.  
 about Rogers. Chap. 14.  
 Wrights and Mearns. Mearns about  
 it. Chap. 19. Num. 2.  
 Welch and Ward. Mearns about it.  
 Chap. 9.  
 Writches. Warrant to call them in.  
 Chap. 8.  
 Recognizances to be taken. Chap. 20.  
 Num. 2. 3.  
 Wood. Warrant for fetching Wood. See  
 it in Chap. 19. Num. 2.

CHAP.



fo



it n  
 And  
 serv  
 I  
 ran  
 full  
 wha  
 2  
 stic  
 dan  
 me





CHAP. I.

Of a Warrant and Order of the  
Justices of the Peace in gene-  
rall.



Warrant of the Justice  
of Peace is his Com-<sup>what it is.</sup>  
mand to an inferiour  
Officer to do something  
belonging to his Office.  
And this in some spec-  
ial cases may be good  
by word of mouth with-  
out writings. But of this  
we speak not here: Or

it may be and must be in most cases in writing.  
And herein these Rules and Advises are to be ob-  
served and heeded.

1. The Justice is to take care to pen his War- Rules con-  
rant plain and clear and not ambiguous and doubt- cerning it  
full, so that the Officer must be forced to enquire  
what may be his meaning by his words.

2. Let the Warrant be compleat when the Ju-  
stice of Peace doth put his hand to it; for it is  
dangerous to let it go with blanks, and give other  
men leave to fill it up.

B

3. The

Chap. I. 3. The stile of his Warrant, it may be in the name of the Kings Majesty, thus, *Charles the Second, by the Grace of God, &c.* with the Teste under the name of the Justice that makes it (which is not usual) or it may be stiled and made in the name of the Justice of Peace, thus, *W.S. Esquire, one of the Justices, &c.* and this is the usual form. Or it may be made without any stile, onely under the Teste of the Justice of Peace, thus, *Complaint being made to me, &c. These are, &c. Witnesses, W.S. &c.* Or it may be without any Teste of the Justice of Peace, being subscribed by him, and sealed where sealing is necessary.

4. We do not conceive it necessary to use these words in the Warrant, *These are (in the name of the Kings Majesty)* to require: but it is sufficient to say, *These are to require you: howbeit the Warrant doth carry the more majesty in it, when these words are used in it.*

5. The Title of direction may be either above the Warrant, thus, *To the Constable of Dale:* or in the body of the Warrant, thus, *W.S. Esquire, &c. to the Constable of Dale. Whereas, &c.*

6. The Warrant may be directed to any Officer, as the Sheriff, his Bayliffs, Constables, Tything-men, or to others that are no Officers, thus, *To the Sheriff of the County of G. or to the Bayliff Itinerant of the County of G. or to the Bayliff of the hundred of R. or to the Constable of the hundred of R. in the County of G. or to the Constable of the Town or Village of Dale, or to the Tything-man of Dale; as the Officer there is called, if it can be known. Otherwise, the best way is to direct it to all the Constables and Tything-men of Dale within the County of G. and every of them.*

Or

Or it may be directed to all these Officers together, to the Sheriff, and to all Bayliffs, High-constables of Hundreds, and Constables and Tythingmen of Towns and Parishes within the County of G. and every of them jointly and severally. Or it may be directed to these Officers and to others that are no Officers together. Or to them that are no Officers alone, thus. To I S. and W S. both of Dale in the County of Glouc. and to either of them. But this must be understood of Warrants of the Peace, good Behaviour, and such like Warrants, wherein the Justice of the Peace is left at liberty to direct his Warrant to whom he will; For if the Law doth direct him to whom he must send his Warrant, as divers Acts of Parliament do; some of them appointing him to direct his Warrant to the Constables, some to the Constables and Churchwardens, some to the Churchwardens, some to the Constables or Churchwardens, some to the Churchwardens and Overseers of the Poor; He in these cases that makes the Warrant must take great care that he do pursue the direction of the Statute punctually; for it is dangerous to vary from it ever so little: And therefore the Title set down in the Presidents for the Warrants must be followed, and not altered. And when the Title of direction is to more then one, there it is good to add these words, [ And to every of them ] and to say in the body of the Warrant, These are to authorize and require you, and every of you. But the best way is, to direct it to the common and known Officer, which is the High-Constable of the Hundred, or Constable of the Town, in all cases where it is left to the Justice of Peace to direct it to whom he please.

**Cnap. 1.** 7. The word [greeting] To I S. &c. Greeting, used in Warrants, may be left out: so may these words of Addition, To the Justices of our Lord the King, assigned to keep the Peace, and to hear and determine Felonies, &c. and it is enough to say, Justices of the Peace of ( or within ) the County of Gloucester.

8. It is not amiss to say the place wherein the Officer dwells to whom the Warrant is directed is within the County. To the Constable of Dale within the County of Gloucester. And so of other places named within the Warrant, to say they are within the same County.

9. It is not amiss, if the Warrant recite a Conviction of an offence, to let it express where the offence was done, thus; I S. being convict before me that he was drunk ( at Dale in this County; ) because in many cases the forfeiture is given to the poor of the place where the offence is done.

10. It is good also now to express the time when the offence was committed, thus; I S. being duly convict before me that he was drunk at Dale in this County ( the first day of May last ) or within three moneths last past, or since the first of May last past, that it may appear the offence was done since the general Pardon: and in some cases this is, if not necessary, yet very convenient; when the offence is by the Law to be punished within a certain time, or not at all, there it is good to say that the offence was done within that time.

11. It is good also to express the place of the making of the Warrant, and it must be some place within the County, thus; Dated at Dale, given under my Hand and Seal at Dale in the same County. But if it say it was dated at one place,

and

## *Justices of the Peace in general.*

5

and be dated at another place, yet the Warrant is good, and it shall be taken to be dated where the Warrant doth say it was dated. Chap. 1.

12. The day and year also, being the time of the making of the same Warrant, must be expressed in the Warrant.

13. The Warrant (being a Warrant of Arrest) may be to require the Officer to bring the offender before the Justice that makes the Warrant, or before him or some other Justice of the County; and either of these forms is good: but the best form is, to require the Officer to bring him before the Justice of Peace himself that made the Warrant.

14. In every Warrant for the Peace, or good Behaviour, where Sureties are to be found or required, the Warrant ought to contain the special cause or matter, to the intent that the party arrested may be provided with Sureties. But if it be for some great crime, the cause may be concealed.

15. In every Warrant to command an Officer to carry a man to Goal, it is not amiss to insert a clause at the end of the Warrant to command the Gaoler to receive him, to this purpose. That you him convey to the common Gaol of this County, and him deliver to the Gaoler or his Deputy there, who are hereby required him to receive and detain in their custody as a Prisoner, until he shall be from thence delivered by a due course of Law.

16. There is a necessity in it, that the Justice of Peace do subscribe his name to his Warrant. But that he should put to his Seal in every case, is not needfull; for in a Warrant of the Peace, or

Chap. 1. good Behaviour it is not needfull, nor where an Act of Parliament saith, That the Justice by Warrant (or by Warrant under his hand) may do such a thing. But if the Law say, He may or shall do it by Warrant under his Hand and Seal, there the Warrant must be under his Hand and Seal, or it is not good. And therefore heed must be given to our Presidents herein, where we say, Given under our Hands and Seals; and in those cases the Justice must put his Hand and Seal to the Warrant, or it is not well done. And for this cause we do advise the Justice to put his Seal to every Warrant.

17. There is little difference between a Warrant of Commitment, and a Mittimus; for both are to do one thing, and they differ a little onely in the form. It will be easie therefore to make one of them by the other.

18. It is usual to grant Warrants against offenders upon penal Laws to bind them over to Sessions before they be indicted of the offence, in cases where there is no special power or direction given by the Statute so to do. But we dare not advise men so to do, being unsatisfied of the lawfulness thereof. But we agree it to be clear and safe, that after the offender is indicted of the offence, and the Bill found, or after the offence found by Presentment of the grand Jury, to be bound over to the next Quarter Sessions to answer it, and also to put in Sureties for his good Behaviour in the mean time, if the offence for which he is indicted will warrant it. As if he be indicted for selling Ale, contrary to the Justices order, or the like. So also in cases where a Law doth give a special command and power to any Justice of Peace

Peace to bind over an offender to the Sessions, as Chap. 1. the Statute of 5 Eliz. 4. touching Masters and Apprentices; the Law of 23 Eliz. 16. touching Hawking in eared or coddled corn; 1 Ed. 6 chap. 1. 23 Eliz. chap. 10. and some others do. In these cases they may bind them over before Indictment. But then it is best first to send a Warrant of Summons to call in the party offender before the Justice to answer the matter; and then if he appear, and he see no cause to forbear to bind him over, to do it. And if he do not appear, then he may send for him, and bind him over, and bind him to the good Behaviour also for his contempt. For which there are Presidents prepared amongst the Presidents set down in this Book.

19. Where a Statute doth give power to a Justice of Peace to compel men to do any thing, in order hereunto he may send his Warrant to require them to come before him, and in case of their refusal, proceed in the law.

20. The Justices of the Peace may send their Warrants for any thing that doth relate to a special Sessions, either to compel appearance or attendance there, or execution of any thing there done, under their own Hands, if they please; or they may let it be done by the Clerk of the Peace, as the business of the Quarter-Sessions is done.

21. What may be done by the Warrant of one Justice of the Peace alone, may be known by the penning of the President; for if it be penned to be made by one Justice, (as, W S. &c. Whereas it hath been proved before me, &c.) then you may be sure that one Justice of Peace alone may do the thing contained in the Warrant. And where two are named, there in most of the cases two are necessary.



*Chap. I.*

22. The same President that serves upon a conviction by witness, will serve upon a conviction by view or hearing. For I S. being lawfully convicted before me, is applicable to either, and will serve to both.

23. It is a good close of every Warrant sent to an Officer, to require him to give an account how he hath executed it, after this wise. And that you be then there with this Precept to give us an account of your execution of it. Or thus; And that you give me an account within fourteen days next following, of your execution of my Warrant.

24. Where a Statute is penned thus, That the Constables or Churchwardens by Warrant from a Justice of Peace shall be enabled to do an act, in this case we conceive the Justice may justify the making of that Warrant.

1. Warrants and Presidents which concern the exercise of the Office of a Justice of Peace out of the General Sessions, are of several sorts, viz. They concern either Treasons, Felonies, Misprisions, Præmunires, forcible Entries, forcible Detainers, Riots, Routs, and unlawfull Assemblies, Security of the Peace, and good Behaviour, or other misdemeanors or offences of several sorts.

2. As concerning Treasons and Felonies, upon Information made of any Treason or Felony committed, any one Justice of Peace may direct his Warrant to the Sheriff, or to the High-Constables, or Petty Constables, or to all or any of them, to make search for the Traytors or Felons, and also for the stolen goods.

## Justice of the Peace in general.

9

Chap. I.

*A Warrant to apprehend a Traytor may be thus.*

A B. Esquire, one of his Majesties Justices of Peace within the County of E. To the Sheriff of the said County, and to all High-Constables, Petty-Constables, and other his Majesties Officers, Greetings, &c. Whereas M N. and S T. are vehemently suspected to have committed Treason, whereof I have received Information: These are therefore in His Majesties Name straitly to charge and command you, and every of you, upon sight hereof, without any delay, within your several Bailiwicks, Hundreds, and Constablewicks, to make diligent search for the bodies of the said M N. and S T. and them or either of them so found, to arrest and attach, and immediately upon such arrest, to bring before me at my house at D. in the said County, whereof you may not fail at your peril. Sealed with my Seal, and dated the first day of J. in the twelfth year of the Reign of our Sovereigne Lord King Charles the Second, &c.

*Comitat.  
Essex.*

The like Warrant may be made for the apprehension of Felons, *mutatis mutandis*.

When any such Traytors or Felons shall be so arrested and brought before the Justice of Peace, the Justice must take the Examination of the Traytors or Felons in writing, but not upon Oath, and must examine them upon all circumstances whereof he shall receive Information from the Accusers, and upon such other circumstances as he in his own discretion shall think fit, for the discovery of the Treason or Felony.

*The*

*Of a Warrant and Order of the*

*The form of the Examination may be thus.*

The Examination of A B. &c. taken before me  
C D. one of his Majesties Justices of Peace in the  
County of M. the first day of S. in the twelfth  
year of the Reign of our Sovereign Lord Charles  
the Second by the Grace of God King, &c.

The said Examinee being duly examined, saith  
&c. and so set down every particular answer that  
the prisoner shall make to the questions that shall  
be demanded of him.

This being done, the Justice of Peace must take  
the Examination of the Accusers, and such others  
as can give any Evidence material against the pri-  
soner; and their Examinations must be taken in  
writing severally, and that upon Oath.

*The form whereof may be thus.*

The Examination of D E. taken before me  
G H. Esquire, one of his Majesties Justices of  
Peace in the County of E. the first day of M. in  
the twelfth year of the Reign of, &c.

This Examinee being duly sworn upon the ho-  
ly Evangelists, and examined upon his Oath,  
saith, &c. and so set down at large all the materi-  
al circumstances that he shall declare to prove the  
Treason or Felony.

This being done, the Justice of Peace must make  
a Mittimus to convey the prisoner to the County  
Gaol, several forms whereof you may see towards  
the end of this Book.

## *Justices of the Peace in general.*

II

Chap. I.

*A warrant for the bringing forth of Corn in the time of dearth.*

*To the Churchwardens and Overseers of the Poor of D. and to every of them.*

Whereas we have lately received Letters from the Lords of his Majesties most Honorable Privy Council, commanding us thereby in his Majesties Name, to cause a diligent and exact survey to be taken of all the Corn and Grain within this Hundred; now for so much as they whose names are here under-written, are presented to us, by such as have enquired thereof, to have Corn to spare more then is needfull for the maintenance of their Families: These are therefore to command you, to summon and warn all the said parties to be and appear before us at M. the 16th. of this instant July, by one of the clock in the afternoon of the same day, there to receive such further directions as then and there shall be given them in charge, according to such Orders as are appointed by his Majesty to be straitly observed in that behalf. Hereof fail you not at your peril. Dated at P. this 10th. of July, in the twelfth year of the Reign of our Sovereign Lord Charles, &c. Anno Dom.

*To all Constables, Bayliffs, and other his Majesties Officers within the Hundred of M. and to every of them.*

A C. and L B. Esquires, two of his Majesties Justices of the Peace within the County aforesaid assigned, Greeting. Whereas the Bearer here-  
of,  
Suffolk ff.  
A License to beg.

*Of a Warrant and Order of the*

Chap. I. of, T W. of E. in the County aforesaid, being a very poor man, and blind, by reason whereof he is not able to labour, nor get to live of himself, without charitable relief of others, and being now resident in the same Town, is therefore to be relieved; and being likewise informed, that the Town is at this present charged with more poor and impotent folk then it is able to relieve: Know you therefore, that We the said Justices have licensed and allowed the said poor man and his leader to go abroad and beg, gather and receive the charitable Alms of well-disposed people, inhabiting and dwelling within the said Hundred of M. in the said County, requiring you not to molest or trouble the said poor man or his leader for so doing; but desiring you rather to relieve him and his leader in their necessity, as to you shall seem meet. This our License to remain in force one whole year next ensuing the date hereof, and no longer. In Witness whereof We have hereunto set our Hands and Seals, the                      of, &c.

*A Passport.*

Suffex ff. T P. Esquire, one of his Majesties Justices of Peace in the County aforesaid; To all Constables, Bayliffs, and other of his Majesties Officers of the same County, and to every of them, Greeting. For as much as the Bearer hereof *E D.* being brought into great poverty and necessity, hath desire to travel unto the City of C. in the County of        where he saith he was born, and hath some friends yet living, by whose means he hopeth greatly to be relieved and holpen; in consideration whereof, Know you, That I the said T P. have

have licensed the same E. D. to travel and pass the direct way from L. unto the said City of C. so that his journey be not of longer or further continuance then thirty days next after the date hereof, praying you, and every of you, to permit, and also to aid and relieve the said E. D. in his journey, so that he shew himself in no respect offensive to his Majesties Laws. In Witness whereof I have, &c.

Note, That in Passports it is necessary there be a description of the parry, lest that he make any other partaker of the use of his Passport; unless he be a Rogue, for he always remains in the Constables hands. See the Statute of 39 Elizabeth cap. 4.

*To the Constables of B. their Deputies, or either of them.*

These are to will and require you, and in his Majesties Name straitly to charge and command you, that presently upon the receipt hereof, you bring before the next Justice of Peace unto your Town, the bodies of these persons hereunder named, to give an account for their refusing such Apprentices as were appointed unto them heretofore by his Majesties Justices; or else to stand to such Order as shall be agreeable to Law, and his Majesties pleasure declared therein. Herein fail you not, as you will answer the contrary. Given under our Hands this present day, being the third day of June, 1660.

## Chap. 2.

*The form of a Warrant to enlarge a Prisoner that is bailed, may be thus.*

*Middlesex.* A B. and C D. two of his Majesties Justices of Peace in the said County, To the Keeper of his Majesties Gaol there, Greeting. For as much as L M. of, &c. Brick-layer, hath before Us found sufficient mainprise to appear before the Justices of the Goal-delivery at the next general Gaol-delivery to be holden in the said County, there to answer to such things as shall be then on the behalf of our said Sovereign Lord objected against him, and namely, to the felonious taking of two Kine of the goods of I S. for the suspicion whereof he was taken and committed to the said Gaol: We command you on the behalf of our said Sovereign Lord, that if the said L M. do remain in your custody for the said cause, and for none other, then you forbear to grieve or retain him any longer, but that you deliver him thence, and suffer him to go at large; whereof you may not fail at your peril. Given under our Seals the day of, &c.

## CHAP. II.

*About the Peace.*

*Glouc. ss.*  
To raise the  
Power of  
the County

VV

S. and A B. Esquires, two of the Justices of the Peace within the County of Gloucester. Or thus, largely, W S. and A B. Esquires, two of the Justices of the Peace of our Sovereign Lord the Kings



Kings Majesty, assigned for the keeping of the Peace, and hearing and determining of divers Felonies within the County of Gloucester, to the High Sheriff of the same County, and to all High-Constables, Petit-Constables, and other Ministers and Officers appointed to keep the Peace of the same County, Greeting. It being given us to understand, that divers evil doers and disturbers of the publick Peace of this Commonwealth are assembled together in conventicles, and being armed, and in a warlike posture, are together in and about W. in this County, where they do riotously and forcibly enter into the houses, and take away the goods and cattel of divers of the peaceable people of the County, and where they have made a manifest commotion, and committed divers other Felonies and other outrages, to the terrour of the good people thereabouts, the hazard of the whole Kingdome, in contempt of our Lord the King, and against the form of the Laws in that case provided; Therefore you, and every of you, the said Sheriff, High-Constables, and Petit-Constables, are hereby straitly charged, so long as the same commotion and danger shall continue, to take especial care of the Peace of the County within your several Precincts; and in order thereunto, to keep a strong watch by night, and a good ward by day, and to apprehend all the breakers thereof. And you the said Sheriff are hereby by us commanded and authorized to come your self unto us armed, and to bring with you an hundred able men, and armed men, to Dale in this County, on the first day of February next, to assist us in the suppressing of the same commotion, and in keeping of the Peace. And all other persons are hereby commanded

Chap. 2. manded to be obedient to you the said Sheriff, and the said Constables therein at their peril. And hereof you are not any of you to fail at your peril. Given under our Hands and Seals at S. within the same County, the first day of

*Observations upon this first Warrant.*

1. The Stile and Teste of all the Warrants that do follow, may be after the same manner as this is.

2. A Warrant may be sent to the High-Constables, to cause so many armed men to come armed to such a place from every Hundred, and so an Army may be had; and these the Justices may lead or send any where in the County to make or keep the Peace. And by this Warrant you may know how to make such a Warrant.

*Glouc. ff.*  
To command the keeping of the Peace.

W S. and F B. Esquires, &c. To the Sheriff of the same County, and to all High-Constables and Petit-Constables, and other Ministers and Officers appointed to keep the Peace within the same County, Greeting. Whereas we are informed, that there is a great meeting appointed to be had at D. within this County, upon the first day of May next, under pretence of a Fair then and there to be kept, (or under pretence of a Cock-fighting to be there had) (or under pretence of a Race to be there run) when and where, by occasion or under colour thereof, it is suspected there may be some notorious breach of the Peace, by a Fray, Ryot, Insurrection, or otherwise: For the preventing whereof, and the keeping of the Peace, These are to authorize and require you, and every of you, that you, calling to your assistance and aid

such

Such a number of persons as you shall think fit, all which persons are by us required to assist you, and that you be then there provided during the same meeting, and by all the lawfull ways and means you can, see that the publick Peace be kept and preserved, and the breakers and disturbers thereof punished. And hereof, and to give us an account of your doings herein, within fourteen days after the same day be past, you are not to fail at your peril. Given, &c.

*Observations upon this warrant.*

What ever the Justices of the Peace may do, or the Sheriff or Constables ought to do in order to the keeping of the Peace, the Justices may by such a Warrant as this is command them to do.

CHAP. III.

*About the Lords day.*

**VV**S. Esquire, &c. To the Constables and Tythingmen of Dale within this County, and every of them, (or it may be directed to the Churchwardens of Dale,) *I Glouc. ff.*  
Whereas the persons undernamed, all of your Parish of Dale, within this County, have been lawfully convicted before me, that they, the first day of May last past, being the Lords day, (so that they upon a Lords day within a moneth past) did cause, or maintain, or keep an assembly, meeting, *Either of these are sufficient.*

**Chap. 3.** ing, or concourse at Sale in this County, being out of their own Parish, for sports and pastimes, viz. for Foot-ball, and for Wrestling, (or caused an assembly, meeting and concourse of people, and were present at it, or caused an assembly, meeting and concourse of people, without the other words,) for a Bear-baiting, or for a Bull-baiting, or for a common Play, or for Cards and Dice, or for Dicing, as the case is, contrary to the Act of Parliament in that case provided. By which either of them hath forfeited three shillings and four pence a piece for the use of the poor of your Parish, to be levied by the Constables or Churchwardens by distress and sale of the goods of the offender, and in default of distress, to be put in the Stocks three hours. These are therefore to authorize and require you, forthwith to levy the same sum of three shillings four pence of every of the said named persons, and of their goods respectively, by distress and sale thereof, rendring to them the overplus. And in case of lack of distress, that then you see that the same person or persons lacking distress, be set publickly in the Stocks by the space of three hours. And the same money forfeit being by you received, that you take care the same be by you imployed to the use of the Poor of your Parish, according to the said Act. And hereof fail you not, &c. Given under my Hand and Seal, &c.

This War-  
rant is  
grounded  
upon the  
Stat. of  
1 Car. 1.

W S. of Dale, Husbandman.

I S. of the same, Yeoman.

K L. of the same, Labourer.

N M. of Sale, Husbandman.

W S.

*About the Lords day.*

19

W S. &c. To the Constables, &c. as in the last Chap. 3.  
It being duly proved before me, that I S. of your  
Parish of Dale, a Carrier, or Waggoner, the first  
day of, &c. being the Lords day, in your Parish  
of Dale aforesaid, did (being then a Carrier) with  
his horse or horses, (or being then a Waggonman)  
with his Waggon; (or being then a Carter) did  
with his Cart; (or being a Waynman) with his  
Wayn, or a Drover with his Cattel, as the case is,  
travel into, and through your said Parish of Dale,  
contrary to the Statute in that case provided, by  
which he hath forfeited twenty shillings to the use  
of the Poor of your Parish of Dale. These are  
therefore to authorize and require you forthwith  
to levie the same twenty shillings of the goods of  
the said I S. by distress and sale thereof, rendring  
to him the overplus. And the same so by you re-  
ceived, that you see it to be employed to the use  
of the Poor of your Parish, according to the in-  
tent of the same statute. And hereof, &c. Gi-  
ven under my Hand and Seal, &c.

<sup>2</sup> Glouc. ff.

Either of  
these is suf-  
ficient.

This is  
grounded  
upon 3 Car. 4

W S. &c. To the Constables and Tythingmen  
of D. and every of them, (or it may be to the  
Churchwardens of Dale.) It being duly proved  
before me, that I S. of your Town, Butcher, did  
in Dale aforesaid, the first day of May last past,  
being the Lords day, kill, or caused to be killed  
virtuals (to wit) one Calf, or did sell virtuals,  
contrary to the Act of Parliament in that case pro-  
vided, whereby he hath forfeit 6 s. 8 d. to the use  
of, &c. as in the last. And the same so by you re-  
ceived, that you see it be employed to the use of  
the Poor of your Parish. And hereof, &c. Gi-  
ven under my Hand, &c.

<sup>3</sup> Glouc. ff.

Either of  
them is suf-  
ficient.

This is upon  
3 Car. 1.

## Chap. 3.

*To the Constables, as in the last.*

4 Glouc. ff. *W S. &c.* It being duly proved before me, that I S. of your Parisha did the first day of May last (being the Lords day) at Dale aforesaid, without reasonable cause, carry burthens, viz. a bushel of Wheat to a Mill there, or do worldly labour and work, viz. drive his Cattel from one ground to another, half a mile distant, contrary to the Act of Parliament in that case provided. By which he hath forfeited five shillings to the use of, &c. as it is in the last, word by word. Given under my Hand and Seal, &c.

One of  
these is  
enough.

We give you no Presidents here to levie the forfeitures upon them that serve Process, use Coaches or Boats, that come in late Saturday night, or go out early on a Munday morning, nor against them that are singing, dancing, or tipling in an Alehouse, or Miller grinding on this day, nor against the Officers that neglect to punish them, because we conceive none can be granted against them till they be convicted, which cannot be but by Indictment.

5 Glouc. ff. *W S. and I S. two, &c.* To all the Constables, Churchwardens; and Overseers of the Poor of the Parisha of Newent in the County of Glouc. Information and Complaint being given in and made unto us, That the Profanation of the Lords day is very much and frequently practised within your Parisha, by the disorderly meetings of young people, by gaming, sports and pastimes, drinking, tipling, and by other means, contrary to the Laws in that case provided, and that you are negligent in the duties laid upon you by the same

Laws

## *About Felony.*

21

Chap. 4.

Laws. These are therefore straitly to charge you henceforth to look to it, that no such disorders be hereafter among you, but that you forbid the same, and that you do from time to time, according to the duty of your places, make diligent search for the finding out, apprehending and punishing of all them that shall be found offenders herein. And that you do inform us hereof as occasion shall be: And that you, or some one of you, appear before the Justices of the Peace, at the house of, &c. upon to bring in the names in writing of those persons who shall in the mean time offend in the premises. Letting you to know, that if you fail hereof, we shall not fail to inflict the punishment appointed by the same Laws upon you for your neglect therein. Given under our Hands at the Castle of Gloucester, this 21 day of, &c.

## CHAP. IV.

### *About Felony.*

To all Constables and Tythingmen within the County of Gloucester.

W S. &c. Whereas information hath been given to me, that there hath been ten Sheep lately taken away from I S. of D. in this County, the which he doth suspect to be stolen, and the Felon is suspected to lie hid in some one of the places or Parishes adjacent. These are therefore to require you, and every of you, forthwith

I Glouc. ff.  
To search  
for a Felon.

*About Felony.*

**Chap. 4.** with to make diligent search in all suspected places within your Parishes for the said Felon: And in case you shall find the Felon, or any of the same sheep, or shall find any other just cause to suspect any person whatsoever of the same Felony, ~~that~~ you cause the same sheep to be secured, and the said Felon to be apprehended and brought before me, or some other Justice of the Peace of the said County, to be examined concerning the premises. And that you warn the said I S. to be, and that you your self be also before the same Justice, at the time of his examination. Given under my Hand this, &c.

*To the Constable of Dale within this County.*

Whereas complaint hath been made to me by  
 2 Glouc. ff. N O. that of late he hath had feloniously taken  
 from him certain goods, or six Oxen, or a gray  
 Mare, &c. as the case is, and that he hath in sus-  
 pition divers and evil disposed persons within your  
 Parish of Dale. These are to require you, that  
 immediately upon sight hereof, you make diligent  
 search in all and every such suspected houses and  
 places within your Parish, as you and the said N O.  
 shall think convenient. And if upon your search,  
 you find any of the said goods in the hand of any  
 person, or shall have any other just cause of suspi-  
 cion of any person, that then you bring such sus-  
 pected person before me or some other, &c. to  
 answer the premises. And hereof, &c.

Another of  
 the same

*Obfer-*



*Observations on these Warrants.*

Some have disliked these Warrants, and upon some good reasons also: for it is a Rule, that no man can arrest for Felony upon the suspicion of another, but upon his own suspicion. And some unhappy use is oft-times made of these Warrants, and honest men abused by them. But we conceive that common usage hath made these Warrants justifiable at this day; and that the same Justice of Peace, upon information, may take up the suspicion, and proceed upon his own suspicion.

*To the Constable of Dale within this County.*

Information being given to me upon the Oath of 3 Glouc. ff. 15. that he hath of late two sheep feloniously taken from him, and that he hath in suspicion one T. K. of your Town, Tailor. These are to require you presently upon receipt hereof, to apprehend the said T. K. and thereupon to bring him before me to answer to the premises. And heretof, &c. To apprehend a Felon.

*Observations upon this Warrant.*

This Warrant hath been also excepted against, but we conceive at this day there is no cause to doubt of it. And that Warrants may be granted by a Justice to attach persons suspected of Felony, before they be indicted for it. But upon an indictment of Felony, without question any Justice of Peace may arrest the party indicted by such a Warrant as this which followeth.

## Chap. 4.

To all Constables, as at the first.

4 Glouc. ff. W S. &c. These are to will and require you, presently upon receipt hereof to attach the body of A B. who stands indicted for a Felony, by an Indictment taken at the last general Quarter Sessions of the Peace for the County of Glouc. And him to bring before me, or some other Justice of the Peace of this County, to be dealt with according to the Law. Or thus, And him to carry to the common Gaol within the Castle of Glouc. there to be kept until he be delivered by due course of Law. It may be made both these ways. And hereof, &c.

5 Glouc. ff. To bind men are to require you upon sight hereof, to warn to be before me, or some other Justice of Peace of this County, within three days next following, the persons undernamed, to the end that they may be bound before him to make their personal appearance at the next general Gaol delivery, or Quarter Sessions to be holden for this County, then and there to testify their knowledge concerning a Felony supposed to be done by A B. now a Prisoner in the Castle of G. And that you do then go with them to the same Justice with this Warrant. And hereof, &c. Or thus: W S. &c. You are hereby required forthwith to warn the persons undernamed of your Parish, to be before me at my dwelling house in D. upon Monday next, by nine a clock in the mornings, to testify their knowledge concerning certain felonious acts supposed to be done by A B. and C D. of &c. And that your self be then there with this Warrant, to shew how you have executed it. And hereof, &c.

Obfer.

## About Felony.

25

Chap. 4.

Observations here.

We have seen a President in this form for this purpose, That you cause to come before me the persons undernamed, to testifie, &c. which we cannot but disallow for it's ambiguity: For how shall he cause him to come? Besides, the word seems to import, that he shall bring him in the nature of a prisoner, which is not lawfull to do in this case.

To all Constables, and other his Majesties Officers, as well within the County of Gloucester, as elsewhere in the Kingdome of England.

W S. &c. Whereas complaint hath been made *6 Glouc. ff.* unto me by L M. of, &c. Husbandman, That upon Tuesday at night last (being the tenth day of this instant November) he was robbed of certain Linnen, taken out of his house, with some other things, and that he hath manifest cause of suspicion of one N K. a lewd rogue, (here describe his personage and apparel;) These are therefore to require you, and every of you, to make search within your several Precincts for the said N K. and also to make Hue and Cry after him from Town to Town, and from County to County, and that as well by Horsemen as Footmen. And if you shall find him the said N K. that then you carry him before some one of the Justices of the Peace within the County where he shall be taken, by him to be dealt withal according to Law, &c. And hereof, &c.

To

Chap. 4. To all Constables and Tythingmen of the Parishes and Tythings within the County of Gloucester, and every of them, &c.

7 Glouc. ff.

To apprehend one that hath dangerously hurt another.

W S. &c. Forasmuch as I am credibly informed, that I B. of your Town, Blacksmith, hath now lately dangerously hurt one T G. of your said Town, Husbandman, by a blow which he hath given the said T G. on the face, and another on the back, so as the said T G. is in danger of death thereby. These are therefore straitly in charge and command you, that immediately upon the sight hereof, you, or one of you, do bring the said I B. before me, or some other of his Majesties Justices of the Peace of this County, to find sufficient sureties, as well for his appearance before the Justices at the next Gaol delivery to be holden for this County, then and there, to answer unto the premises, and to do and receive therefore that which by the Court shall be enjoined him; as also, that he the said I B. shall in the meantime keep the Peace towards our Sovereign Lord the King, and all his Liege people, but especially towards the said T G. And hereof fail you not at your peril. Dated, &c.

In some cases, where any Statute doth give power to the Justices of Peace, out of their Sessions, to hear and determine, either upon the confession of the offenders, or upon examination of witnesses; in all such cases, it seemeth, the Justices of Peace may grant out their Warrants against such offenders, to appear before them, to answer to their offences, and thereupon may proceed

ceed to examine, hear and determine the offence, as being convict thereof, upon such confession or examination, without any indictment or process.

But where process are requisite, they may be as followeth.

First, if the offender be absent, a *Venire facias* shall be awarded by the Justice or Justices of Peace under his or their own Tests; and if thereupon the offender be returned sufficient, (and maketh default) then a *Distingas* must be awarded, which *Distingas* shall go forth infinite, till the offender come in: But if a *Nihil habet*, &c. be at the first returned, then after the *Venire facias*, first a *Capias*, then an *alias*, and after a *pluries* shall issue, and after that an *Exigent*, till the party be taken or yield himself, or else be outlawed. And these are the ordinary Process upon all Indictments of Trespass against the Peace, or of other offences against penal Statutes, not being Felonies, or greater: But these several Processes are usually grounded upon an Indictment, to cause the offender to come in, and to make his answer; and therefore if he be present, and confess such indictment, information, or offence, then needeth no process; for he must be committed to prison until he hath paid his Fine, or given Sureties for it.

And these Process must be directed to the Sheriff, except he be party; and if so, to the Coroners of the County, and must be in the Kings Name, and with a *Non omittas*, but the Teste thereof may be under the Name of the Justice of Peace.

The form of these Process out of Sessions, you may

Chpp. 5. may see in the Treatises of Justices of Peace at large.

Nevertheless, all such process (as well of *Capias*, &c. as of Outlary) may be stayed by a *Superfedeas*, issuing from other Justices of Peace (out of Sessions) testifying, that the party hath come before them, and hath found Sureties for his appearance to answer to the Indictment, or to pay his Fine, &c.

---

CHAP. V.

*About a Riot and forcible Entry.*

*The Record of a force found by the Justices own view.*

1 Glouc. ff.

**M**emorand<sup>r</sup> That the first day of March, I S. complained to me W S. one of the Justices of Peace of our Sovereign Lord the King for the County of Gloucester, that I D. of S. in the said County, Yeoman, and divers others unknown persons, troublers of the Peace of the Kingdome, the first day of May, into the dwelling house of the said I S. in Dale, in the said County, with strong hand did enter, and him the said I S. thereof disseised, and the same house with strong hand and armed power doth yet detain and hold; and therefore desired of me relief on this behalf to be yielded: Whereupon I the said W S. immediately in person came to the said dwelling house to view the same. And in the same house I then found the said I D. E F. of, &c. and

G H.

*About a Riot and forcible Entry.*

29

G H. &c. the same house with force and arms, Chap. 5.  
a strong hand and armed power, to wit, with  
Bows and Arrows, Swords and Daggers, Guns,  
and other Arms defensive and offensive, holding  
against the form of the Statutes in that case pro-  
vided. And therefore I the aforesaid W S. the  
said I D. E F. G H. did then there arrest, and  
cause to be sent to the next Gaol of his said Ma-  
jesty for the said County within the Castle of  
Gloucest. as convict of the said forcible detaining  
by mine own view and record, there to abide till  
he shall make Fine to his said Majesty for his of-  
fences aforesaid. Dated at Dale aforesaid under  
my Seal, the day and year aforesaid.

*The Record of a Riot upon the view of the Ju-  
stices.*

*Memor.* That the first day of March, we W S. 2 Glouc. ff.  
and K L. Esquires, two of the Justices of our So-  
veraign Lord the King, now assigned to keep the  
Peace in the County of Gloucest. at the complaint  
of I S. of W. in the County aforesaid, Yeoman, in  
our proper persons came to the dwelling house of  
the said I S. at W. aforesaid, and there we found  
certain persons, A B. &c. and other evil doers  
and disturbers of the Peace of our Lord the King,  
to the number of eighty persons in a warlike man-  
ner arrayed, to wit, with Swords, Staves, Bows  
and Arrows, riotously and unlawfully gathered  
together, and the same house so keeping, to  
the great disturbance of the Peace of our said  
Lord the King, and the terrour of his People,  
and against the form of the Statutes in that  
case provided. And therefore wee the said  
Justices

Chap. 5. Justices of the Peace, the bodies of the said A. B. &c. did then arrest, and to the next Gaol of our Lord the King did then cause them to be carried by our Record of the Trespas afore said, convicted in our presence, there to abide till they shall make their Fine to our said Lord the King for their trespass afore said. In testimony whereof, we have put our Seals to this Record. Dated at W. afore said, the day and year afore said.

*The form of the Mittimus to the Gaol.*

3 Glouc. ff. W S. one of the Justices of the Peace of our Lord the King within his said County of Gloucester. To the Keepers of his Highness Gaol within the Castle of Glouc. within the same County, and to his Deputy there. Complaint being made to me this present first day of May, of a forcible and riotous detainer of a House made by K L. &c. and M N. of, &c. the which having viewed, I find to be true, against the Peace of our said Lord the King, and the Statutes in that case provided: Therefore I send you, by the bringers hereof, the bodies of the said K L. and M N. convicted of the said forcible holding, (or Riot) by mine own view, testimony and record, commanding you in his Majesties Name, them to receive, and safely keep in your said Goal, until such time as they shall make their Fines to our said Lord the King for the said trespasses, and shall be thence delivered by order of the Law of the Land, at your peril. Given at W. afore said, under my Seal, the day and year afore said.



*About a Riot and forfible Entries.*

31

Chap. 5.

*The Precept to the Sheriff to return a Jury.*

W S. &c. To the Sheriff of the said County <sup>4</sup> Glouc. ff.  
of Glouc. I command you, that you make to come  
before me at, &c. (time and place) twenty four  
honest, sufficient, and lawfull men of the neigh-  
bourhood of W. within this County, whereof eve-  
ry one shall have forty shillings of Lands, Tene-  
ments and Rents by the year at least, above re-  
prises, (or to enquire if A B. &c. and other ma-  
lufactors and disturbers of the Peace of our Lord  
the King, in one Messuage, and twenty acres of  
Land of C D. of, &c. with a streng hand, upon  
the possession of the said C D. did enter, or the  
same with force do yet hold and occupy) to re-  
quire upon their Oaths for our said Lord the King,  
of a certain entry (or detainer) made with strong  
hand in the Messuage or dwelling House of A B.  
at W. aforesaid, against the form of the Statutes  
in that case provided. And you are to see that you  
return upon every one of the Jurors by you to be  
impannelled, twenty shilling of issues at the same  
day of return. And hereof you are not to fail,  
under pain of twenty pounds, which you know you  
are to bear, if you be negligent in the premises.  
Witness me the said W S. the first day of, &c.

*The Verdict of the Jurors.*

An inquisition for our Lord the King taken at <sup>5</sup> Glouc. ff.  
Dale in the County of Gloucest. the first day of  
May, by the Oaths of A B. C D. good and  
lawfull men of the County, before W S. one of  
the Justices of our said Lord the Kings, to keep the  
Peace

*About a Riot and forcible Entry.*

Chap. 5. Peace in the said County assigned, and to hear and determine divers Felonies, Trespasses, and other evil deeds committed in the same County; who say upon their Oaths, that C. L. of, &c. Yeoman, was lawfully and peaceably seised in his demesne, as of Fee, of and in one Messuage, &c. with the appurtenances in Dale aforesaid, and his possession and seisin aforesaid so continued, until A. B. &c. and other unknown persons, the first day of May, by Force and Arms, to wit, with Swords and Staves, Bows and Arrows, into the said Messuage entred, and the said C. D. thereof disseised, and with a strong hand him expelled; and him the said C. D. so disseised and expelled from the said Messuage, &c. from the aforesaid first day of May, until the day of the taking of this inquisition, with the same strength and armed power have hitherto kept out, and yet doth keep out, to the great disturbance of the Peace of our said Lord the King, and against the form of the Statutes in that case made and provided; whereas none of them, nor any other, whose state they or any of them had or have, or any thing in any parcel thereof had or have, within three years last before his said Entry, nor at any time before, to the knowledge of the said Jurors.

*Warrant for Restitution.*

6 Glouc. ff. W. S. &c. To the Sheriff of the said County Greeting. Whereas by a certain inquisition of the Countrey taken before me at Dale in the County aforesaid, the day of, &c. upon the Oath of A. B. C. D. &c. and according to the form of the Statute in that case of forcible entry provided,

It was found, that A. B. &c. and others, &c. as it is in the Inquisition (under those words in that case provided) as by the said Inquisition doth more fully appear of Record. Therefore on the part of our said Lord the King, I command and require you, that you all together (with the power of the County) if need require, go to the said Messuage and other the premises, and the same with the appurtenances do cause to be restored, and the said C. D. to and in his full possession thereof, as he was in before the same Entry, you cause to be restored, according to the form of the aforesaid Statute. And hereof you are not to fail at your peril, &c. Given under my Seal, &c.

The like Warrant may be made for Lessee for years, Tenant by Elegit, Statute-Merchant, Statute-Staple, Guardian in Chivalry, and Copyholders, *mutatis mutandis*.

CHAP. VI.

About the Poor.

Where the Justices of the Peace and Quorum of the County of G. next adjoining to the Parish of D. within the same County, whose Hands and Seals are hereunto annexed, do nominate and appoint I S. and W S. of the same Parish of D. together with the Churchwardens of the (said Parish, to be Overseers of the Poor of the same Parish for this present year, according to the Act of Parliament in that case provided. Dated, &c.

Glouc. S.  
To make O;  
versers of  
the Poor.

These Warrants are grounded upon 22 Hen. 8.

There

**Chap. 6.** There is another forme to command Overseers of the Poor to undertake the Office: But this seeme to me needlesse, and that the former Order is sufficient for being duly chosen according to the Statute, they must undertake it.

**2 Glouc. ff.** W. S. and L. S. Esquires, two of the Justices of the Peace of the County of Glouc. To the Churchwardens and Overseers of the Poor of the Parish of D. in the County of G. Whereas the persons here undernamed, all of your Parish of D. have been duly assessed the sums of money here under at their names appearing, and set down and rated upon them towards the maintenance and relief of the Poor of your Parish, the which we have been duly confirmed by two of the Justices of the Peace of the said County, according to the form of the Statute in that case provided. The which sums they are in arreare, and refuse to pay, although the same have been demanded of them.

To distrain  
for money  
for the poor.

These are therefore to authorize and require you once more to demand the said several sums of the said several persons respectively: And in case they refuse to pay the same, that then you levy it by way of distress and sale of the goods and chattels of the persons refusing to pay the same respectively, sending to them the overplus according to the said Statute. And that you the same money pay and distribute to the use of the poor of your Parish according to your Office. And hereof, &c.

**3 Glouc. ff.** W. S. and L. S. Esquires, &c. two of the, &c. (as in the last) To the, &c. (as in the last) These are to authorize and command you presently to demand of L. S. of your Parish of Dale, the sum of five shillings being duly assessed and rated upon

Another for  
the same

upon him, for and towards the relief of the Poor of your said Town, according to the form of the Statute in that case provided. And if he refuse to pay the same, that then you presently levie the same by distress and sale of the offenders goods, rendering to him the overplus of the money made by sale thereof. And this shall be your Warrant herein. Dated, &c.

W S. and I S. two of the Justices, &c. near to 4 Glouc. ss. the Parish of Dale in the County of G. To the Constables, Churchwardens, and Overseers of the Poor of the same Parish, and to I K. of, &c. and M S. of the same Parish of D. and every of them. It being proved before us, that the said M S. is delivered of a bastard child, likely to be chargeable to your Parish, which she doth father upon the said I K. who is therefore at the request of the said Officers, and on the behalf of the said Parish, bound to the good Behaviour, and to appear at the next Sessions. These are therefore to give you notice, that we have appointed on Monday the first day of May next, at the house of K L. in T. to meet to examine the said matter, and to take order for the punishment of the said parties, and relief of the said Parish, in case the same child shall become chargeable to it, and the keeping of the same child. You are therefore all of you hereby required to attend us, with such witnesses as you please to produce, in the place, and at the time aforesaid. And you the said Constables are in due time to give notice hereof to all the rest of the parties, Churchwardens, Overseers of the Poor, to the said I K. and M S. And that you your self be present at the time and place aforesaid, to give an account how you have executed this our

To warn all persons to appear to examine the matter of a bastard child.

Chap. 6. Warrant. And hereof not to fail, &c. Dated, &c.

5 Glouc. ss. W S. and T W. Esquires, &c. two of the Justices of the Peace of the said County. Imprimis, upon the examination of the said M S. du-  
An Order for a ba-  
stard child. ly by us taken, we do find that the said I K. is charged to have had divers times bodily and carnal knowledge of her (between such times) and to be the onely Father of the said Bastard-child, &c. And having some other proofs to induce us to believe the truth hereof, therefore we do adjudge him to be the reputed Father of the said Child.

We do further order as followeth: First, That the said M S. shall keep her said Child till it come to eight years of age.

Secondly, That the said I K. upon notice of this our order, shall after such notice, pay into the hands of one of the Overseers of the Poor of D. for the time being, after the rate of 12 pence every week, to be paid monethly, every year towards the relief of the said Child, until it comes to eight years of age.

Thirdly, And after the said Child shall come to eight, &c. that the said I K. pay to the Overseers, &c. 5 l. towards the putting out of the same Child to be an Apprentice.

Fourthly, That the said I K. presently give good Security to one of the Overseers, &c. to perform this our Order:

To the Constables of S. in the County of G. and to every of them.

W S. &c. Information being given, and complaint being made to us, that the persons under-  
6 Glouc. ss. named

named of your Parish, have been duly taxed and assessed towards the raising of money for the relief of the Poor of your Parish, these several sums at their names set down, the which they have refused to pay upon demand. And a Warrant having been sent to the Churchwardens and Overseers of the Poor, to levy the same by distress and sale of the offenders goods; and information being given to us by the said Churchwardens and Overseers concerning the said persons undernamed, that there is no distress to be had of their goods, whereby the same assessments may be levied of them, and that they do still refuse to pay the same rate. These are therefore to authorize and require you, in case it be so, that no distress be now to be found or had, and that they do still refuse to pay the same rate, that you do apprehend the said persons, and them do convey to the common Gaol in the Castle of Glouc. there to remain without Bail or Main-prize, till they pay all the same money taxed, and the arrears thereof from them due respectively. Dated, &c.

To commit  
to prison for  
lack of di-  
stress.

I. S. ——— 10 s.

W. S. ——— 5 s.

&c.

This Warrant we think to be scarce warrantable by Law, and shall not advise any Justice to make it without good advice. But if he will adventure, let him be sure that the thing is true, that he doth refuse, and there is no distress.

D 3

To



## Chap. 6.

To the Churchwardens and Overseers of the Poor of the Parish of Dale in the County of Gloucester.

7 Glouc. ff. W S. &c. Information being given, and complaint being made to us, that I C. and L M. of your Parish, the late Churchwardens and Overseers of the Poor of the said Parish, did at the end of their year make and yield up to the Justices of the Peace of the County, an account of the sums of money by them received and paid: And that it appeared by the same account, that there was ten pounds in money in the hands of the said Churchwardens and Overseers, the which they have not paid and delivered over unto the Overseers and Churchwardens newly nominated and appointed for this year, contrary to the Statute in that case provided. These are therefore to authorize, &c. that you levie the same of the goods of the said I C. and L M. and in case no distress can be had, that then, &c. (as in the last, changing that which is to be changed) leaving out respectively every where. Dated, &c.

To distrain  
for arrears  
of accounts  
in the Offi-  
cers hands,

8 Glouc. ff.

To compel  
the Over-  
seers to ac-  
compte.

W S. &c. For as much as A B. and C D. of the Parish of E. the late Churchwardens of the same Parish, and F G. and H I. the late Overseers of the Poor of the same Parish, have been duly required to come before us, and bring in an account of their receipts and disbursements in the time of their Office, according to the Statute in that case provided, and they refuse so to do: These are to authorize and require you to apprehend all the said late Churchwardens and Overseers of the Poor, and them to convey to the common Gaol within the Castle of Gloucester, there to abide



## About the Poor.

39

Chap. 6.

able without Bail or Mainprise until they have made a true account, and paid to the present Overseers and Churchwardens all the money that upon their account shall appear to be remaining in their hands. And hereof, &c.

### Observations upon this Warrant.

I shall not assure you that this Warrant is legally to be granted by the Justices, or may be safely executed by the subordinate Officers; for the Statute doth not direct how the Offenders shall be convicted. However, if the Justices grant such a Warrant as this, or that before for lack of distress, they must be sure they do it upon a sure ground, to wit, that the thing be true they do go upon, viz. That they do refuse to accompt, or that there doth want distress, &c. Otherwise it is dangerous.

### To the High Constable of the Hundred of W.

W S. &c. These are to authorize and require you to send your Warrants to all the Petit Constables and Tythingmen of your Hundred, to give notice to all the Churchwardens and Overseers of the Poor of their several Parishes respectively, that they or some of them be at the house of, (day and place) with a true and perfect account in writing of all the sums of money by them received, or rated and assessed, and not received, as also of such stock as is in their hands, or in the hands of any setters of the Poor to work, and of all other things concerning their Office, and the same first examined and allowed by some of the most substantial persons of their Parishes under their hands,

To call in the old Overseers of the Poor, and to name new ones.

D 4

And

**Chap. 6.** And also that they do then and there give us in writing the names and surnames of three or four of the most substantial inhabitants in their several Parishes, that we may chuse some of them to be Overseers for the Poor of each several Parish for the next year. And hereof, &c.

*To the Churchwardens and Overseers of the Poor of the Parish of G.*

30 Glou. ff.

To levie 20s for their neglect in their Office.

**W. S. &c.** Complaint being made to us against **I. H.** one of the Overseers of the Poor of the Parish of Dale in this Countrey, for this year, that he hath not met with the rest of the Officers, then monthly in the Church on the Sunday, according to the Act of Parliament in that case provided, whereby he hath forfeit 20 s. These are therefore to require and authorize you to levie the same twenty shillings of him by way of distress and sale of his goods, rendring to him the overplus. And the same money so received, that you employ to the use of the Poor of your Parish. Given under our Hands, &c.

*Observations upon this Warrant.*

This Warrant is commonly made, but I cannot tell how warrantably, for there is no way of conviction set down in the Statute for this offence, and then I take it, it must be by indictment, and can be no way else. But let him that grants this Warrant be sure that the cause thereof be true, and let him be well advised that the Warrant be good.

The same Law will be if they do not accept the

the Office, set their Poor on work, make rates to raise money, and place poor children Apprentices, and the like. Such a Warrant must be, if any be: But I conceive its safe to do it by way of Indictment, and being convicted upon a traverse, then two Justices may send their Warrant to levie the twenty shillings according to the Statute.

To the High Constable of the Hundred of W. and to all the Churchwardens, and Overseers of the Poor, of all the Parishes within the same Hundred.

These are to require you, to send your Warrants, and give notice to all the Churchwardens and Overseers of all the Parishes within your Hundred, that they are to be and appear before us, some of the Justices of the Peace of this County, upon Monday next, the day, &c. at the house, &c. with a Note in writing of the names of all such poor people within their Parishes respectively, as are overburthened with Children, so that they are not able to keep their children by their labour, and what children they have that are fit to be placed Apprentices, and the names of such men of worth within their Parishes respectively that they think fit to make Masters for such poor children; to the end that we may then and there take a course to ease them by binding them to such Masters. And the said Churchwardens and Overseers are hereby required to take notice hereof by your Warrant, and to see they do attend us in the execution of the contents thereof. And you also the said High Constable are to bring with you to us then, and there, another Note in writing of all such persons within your Hundred,

as

II Glou. f.

To bind  
poor chil-  
dren Ap-  
prentices.

**Chap. 6.** as you know or judge fit to make or take such kind of Apprentices. And hercof you are not to fail, &c.

Name all  
the Over-  
seers and  
Charch-  
wardens.

Indenture  
to bind a  
poor child  
Apprentice.

This Indenture made the      day of, &c. wit-  
nesseth, That A B. and C D. &c. Overseers of  
the Poor in the Town of D. in the County of O.  
and E F. and G H. Churchwardens of the same  
Town, by and with consent of W S. and I S.  
Esquires, two of the Justices of the Peace for the  
County of Glouc. have by these presents put, pla-  
ced and bound I H. ( being a poor fatherless and  
motherless child, or the child of W H. a poor  
man ) as an Apprentice with R S. of, &c. Baker,  
and as an Apprentice with him the said R S. to  
dwell from the day of the date of these presents,  
until the said I H. shall come to the age of four  
and twenty years, ( and if it be a woman, then it  
must be, Until her age of twenty one years, or day  
of marriage, which shall first happen ) according  
to the Statute in that behalf provided. By, and  
during all which time, the said I H. the said R S.  
his Master shall faithfully and obediently serve,  
and in all things behave himself honestly and or-  
derly as doth become such a servant. And the said  
R S. for his part promiseth, That he the said  
R S. during the said time, the said I H. in the  
craft and occupation the which he useth, after  
the best manner he can or may, shall teach and  
inform, and to him shall find meat, drink, and  
apparel, and all other things necessary and meet  
for an Apprentice of his condition, &c. In wit-  
ness, &c.

W S. and I S. Esquires, two of the Justices, &c.  
To the Constables, &c. Information being given  
to us upon Oath, that I S. of, &c. a poor child,  
being

12 Glouc. ff.

being by the Churchwardens and Overseers of the Poor of Dale in this County, and two of the Justices of the Peace of the County, bound Apprentice to L. M. according to the Statute in that case provided, and that he doth refuse to take him. These are therefore to authorize and require you to apprehend him the said L. M. and bring him before some Justice of the Peace of this County, to enter into Bond to appear at the next general Gaol-delivery, or at the next Quarter Sessions to be held for the County of Glouc. to answer his contempt. And in case he refuse so to do, that then ye do him carry and convey to the common Gaol of the County of Glouc. there to remain till he shall so do. And hereof, &c. See more in Warrants to bring in and bind over, Chap. 18. All these Warrants in this Chapter are grounded upon 43 Eliz. 2.

Information being given unto us, that I S. a poor child of W S. of your Parish of D. being placed an Apprentice with K L. by the Churchwardens, Overseers of the Poor, and Justices of the Peace, that the said W S. will not suffer him to serve with his Master, but doth entice him from his service. These are therefore to require and authorize you to apprehend the said W S. and him to carry to the common Bridewel within the Castle of Glouc. until he do conform to the order of the Churchwardens, and Overseers of the Poor, and Justices of the Peace herein. And hereof, &c.

13 Glouc. ff.

CHAP. VII.

About the Peace and good Behaviour.

*In Glouc. ss.*  
For the  
Peace.

**V**S. Esquire, one of the Justices of the Peace for the County of Glouc. To all Constables and Tythingmen within the County of G. and especially to the Constable of Dale in the same County. Forasmuch as I S. of D. aforesaid, hath taken his Oath before me, that M O. of the Parish of D. aforesaid, hath assaulted and beaten the said I S. and further hath threatned him, (or thus onely) hath taken his Oath before me, that M O. of, &c. hath threatned him in such sort that he is afraid that the said M O. will beat, wound or kill him, or do him some other bodily hurt, or burn his house: And thereupon the said I S. hath prayed security of the Peace to be granted against the said M O. These are therefore to authorize and require you, and every of you, that immediately upon sight hereof you cause him the said M O. to come, and in case of his refusal, to bring him before me, or some other Justice of the Peace of this County, to find sufficient Sureties, as well for his personal appearance at the next General Sessions of the Peace to be holden for this County, as also for the keeping of the Peace towards our Sovereign Lord the King, and all his good People, especially towards the said I S. And if he shall refuse so to do, that you carry him to the common Gaol of the County of Glouc. and deliver him to the Keeper thereof, who is hereby commanded

*About the Peace and good Behaviour.*

43

Chap. 7.

manded him to receive, and keep a Prisoner until he become bound as aforesaid. And hereof fail not, &c.

Some say that this Warrant may be granted against any man that hath broken the Peace, but I cannot consent to it, unless the Peace be broken in the presence of a Justice of Peace. But upon Oath it is grantable always.

W. S. &c. To all, &c. (as in the last.) It appearing to me by the proofs of credible and substantial witnesses, against I. S. and M. S. both of your Parish of Dale, that they are people of ill name and fame, and of very lewd lives and conversations; or are common Barretors, or are common Rioters, or common Breakers of the Peace, or common Ale-house-fraunters, or common Drunkards, or common Swearers, or common Wood-stealers, or do keep a common Stews or Bawdie-house, or common Hedge-breakers, or common Tale-bearers, or common Slanderers, or common libellers, or common Whoremongers; or common Whores, or common sowers of discord, and makers of strife amongst their Neighbours, or common Night-walkers, or common Cheaters, or common companions of Theeves, or common Messengers for Theeves, or common Pilferers, or commonly suspected to be Theeves, or do commonly practise Poysoning, or common Evesdroppers, or common Night-walkers, or are commonly suspected of incontinency, or common harbourers and entertainers of Whores, Rogues or Thieves, or common Robbers of Orchards, or have sold Ale (or Beer) without License, and contrary to the command of the Justices of the Peace, or are idle persons wandering up and down, fare well, and spend much

2 Glouc. ff.

For the  
Good Behav-  
iour.

Either of  
these are  
sufficient.

in



## Chap. 7.

in Ale-houses, and having no known and visible estate to maintain it; or that I S. hath begotten a bastard child on the body of the said M. and that the same is like to be chargeable to the Parish of Dale, or that he had his hand in the sending away of L M. the reputed Father of a bastard child, there left to the charge of your Parish. These are therefore to authorize and require you, and every one of you, forthwith to cause to come, and in case of refusal to apprehend and arrest the said I S. and M. and them to bring before me, or some other Justice of the Peace of this County, to the end that they may find sufficient Sureties for their appearance at the next General Sessions of the Peace to be held for the County of Glouc. and in the mean time to be of good behaviour towards our Lord the King, and all the People of this Commonwealth. And if they shall refuse to do the same, that then you carry, &c. as in the last, to the end. And hereof, &c.

3 Glouc. ff.  
Another of  
the same.

W S. &c. To, &c. These are to require you that immediately upon sight hereof you cause to come, or bring before me I S. of, &c. to answer to such matters as on the behalf of the Kings Majesty shall be objected against him by the complaint of M M. And also that you require him to bring Sureties with him for his good appearing till the next General Sessions of the Peace to be held for the County of Glouc. And hereof, &c.

4 Glouc. ff.  
For the re-  
puted father  
of a bastard  
child.

W S. Esquire, &c. To the Constable of, &c. Whereas it is proved before me, that M S. of, &c. single woman, is with child of a bastard child, and that I S. is the reputed Father of it: These are therefore to authorize and require you, and every one of you, that presently upon the receipt hereof, you



cause to come, or bring the said I S. and M S. **Chap. 7.**  
before me, or some other Justice of Peace of this  
County, to find sufficient Sureties, as well for  
their appearance, &c. (as in the last.) And  
hereof, &c.

W S. &c. To, &c. It appearing to me by the **5 Glouc. ff.**  
Records of the Sessions of the Peace for this Coun-  
ty, that I S. of your Parish of D. stands indicted  
there for selling Ale and Beer, contrary to the  
command of the Justices of the Peace: And that  
he hath not as yet appeared nor pleaded to the  
same indictment, and that the same is still depen-  
ding and in force against the said I S. These are  
therefore (as in the last.) And hereof, &c. **Against one  
indicted.**

And thus may any Justice of Peace do upon any  
Indictment for such an offence as for which a man  
doth deserve to be bound to the good Behaviour,  
as for Incontinency, common Swearing, common  
Drunkenness, and the like.

W S. &c. To, &c. I S. of your Parish of D. **6 Glouc. ff.**  
being duly convicted before me of such matter of  
misbehaviour as for which he ought to be bound  
with Sureties for his good behaviour. These are  
therefore, &c. as in the rest. **Another ve-  
ry short for  
the good  
Behaviour.**

This last Warrant may serve in any case, or for  
any cause whatsoever, for which a man is to be  
bound to the good Behaviour, unless it be where  
the offender is to be bound for a limited time on-  
ly. And then the Warrant may say, I S. being  
convict before me of such an offence, for which he  
is to be bound to the good Behaviour seven years.  
These are, &c. as in the rest; but say, To the  
end he may be bound with Sureties, &c. for seven  
years, &c. And hereof, &c.

## Chap. 7.

*A warrant for the Peace upon a Supplicavit.*

G M. one of the Justices of the Peace of our Sovereign Lord the Kings Majesty within the County of L. To the Sheriff of the said County, the Constables of the Hundred of W. the Borsholder of the Town of M. and to all and singular the Kings Majesties Bailiffs, and other Ministers, as well within Liberties as without in the said County, and to every of them, Greeting. Know ye that I have received the Commandment of our said Sovereign Lord in these words: (reciting the whole Writ of Supplicavit, which many times differs in form, because it is sometimes directed to all the Justices of Peace, sometimes to them and the Sheriff, and sometimes to one Justice alone) or reciting onely the effect of the Supplicavit, thus.

Know ye, that I have received the Commandment of our said Sovereign Lord, to compel A B. of M. in the said County. Yeoman, to finde sufficient Surety for his Majesties Peace by him to be kept towards C D. of the said Town of M. Tailor. And therefore on the behalf of our said Sovereign Lord, I command and charge you, joyntly and severally, that immediately upon the receipt hereof, you cause the said A B. to come before me at M. aforesaid, to find sufficient Surety and Mainprize, for the Peace to be kept towards our said Sovereign Lord, and all his liege People, and especially towards the said C D. And if he the said A B. shall refuse thus to do, that then ye him safely convey, or cause to be safely conveyed to the next Gaol of his Majesty in the said County.

ry, there to remain until that he shall willingly do the same; so that he may be before the Justices of the Peace of our said Sovereign Lord within the said County, at the next General Sessions of the Peace (to be holden at N.) there to answer to our said Sovereign Lord for his contempt in this behalf. And see that you certifye your doing in the premisses to the said Justices at the said Sessions, bringing then with you this Precept. Given at M. aforesaid, under my Seal, &c.

*The Return upon the back of the Supplicavit may be thus.*

The Execution of this Writ appeareth in a certain Schedule to the same Writ annexed.

*Then may that Schedule be thus.*

I G M. one of the Keepers of the Peace of our Lord the King in the County of L. certifye into the Chancery of our said Lord the King: That, by vertue of that Writ (unto me by C D. in the same Writ named, being first delivered) personally before me (such a day and year) have caused to come A B. in the said Writ named, and the same A. have compelled to find sufficient Surety and Manucaptors for the Peace according to the form of the said Writ. In testimony whereof, to this my present Certificate I have set my Seal. Dated at, &c.

The like proceedings may be made into the Kings Bench, if it issue thence, *mutatis mutandis*;

E,

but

**Chap. 8.** but the Justice need not return it, nor make a Certificate, till a *Certiorari* come.

## CHAP. VIII.

*About Witnesses.*

*Glouc. ff.*  
To call witnesses.

**VV** S. &c. To the Constables of Dale  
You are hereby required forthwith  
to warn I S. of your Parish to come  
before me on Monday by 9 a clock in the morning,  
to testifie his knowledge on the behalf of the  
Kings Majesty. And not to fail, &c.

Another of  
the same.

You whose names are subscribed, are hereby required to appear before me, &c. to give evidence on the behalf of the Kings Majesty. And not to fail, &c.

*To the Constables of Dale.*

Or thus.

For as much as I S. of your Town, Yeoman is thought to be a fit and necessary Witness to be examined on the behalf of the Kings Majesty. These are to command you, that you do forthwith warn him personally to appear before the Justice of the Peace, at the next Sessions of the Peace to be holden for this County, then and there to testifie his knowledge on the behalf of his said Majesty, to and upon such matters as he shall be then and there examined of. And hereof, &c.

Chap.

CHAP. IX.

*About Watch and Ward.*

**VV**S. and I S. two of the Justices, &c. Glouc. ss.  
To the High Constable of the Hundred of W. and all the Petit Constables within the same Hundred. Information being given to us, that very many suspicious persons do wander about the County without controlment or question: For the preventing therefore of this in time to come, It is by us ordered, and you are hereby all of you straitly charged to look to your Offices herein, and to see that you keep a carefull and strong Watch by night, and Ward by day from Sun to Sun, in all the Parishes and places within your Hundred, by able and well armed men, and to charge them that they do pose all men, and arrest vagrants and persons that are suspicious, and bring them to a Justice of Peace to be examined and dealt with according to the Law. And all persons whatsoever are by us hereby commanded to be aiding, assisting, and obedient to you herein, under pain of contempt. And you the said Officers are to present to us the default of the refusers, and them that are otherwise. And you the said High Constable are to give notice hereof, and a strict charge herein to your Petit Constables, as you will answer the contrary. Given under our Hands, &c.

**Chap. 10** It being proved to me by I K. of the Parish of D. that the first of May, &c. he the said I K. being then the Constable of Dale, commanded I S. &c. aforesaid, to keep watch with the inhabitants of the Town of Dale, from Sun-setting of that day, till Sun-rising of the next day; but he refused and denied so to do, and made default therein, by which the watch at that time was not kept, &c. These are, &c. To bind him to the good Behaviour.

---

CHAP. X.

*About Ale-houses, Ale-house-keepers, Drunkards, &c.*

*To all Officers what soever.*

**1 Glouc. ff.**  
A license to  
keep an Ale-  
house.

This is  
grounded  
upon 5 and  
6 of Ed. 6.  
25.

**W**E the Justices of Peace and Quorum for the County of Glouc. do license and authorize I S. of Dale in the said County to keep a common Ale-house, or Tipling-house, and to use common selling of Ale, Beere, or Cider in the said Town of D. according to the form of the Statute in that case provided, under the Orders and Articles hereunto subscribed, for one year onely, next after the date hereof. Witness our Hands and Seals, this, &c.

*Orders to be observed by all the Inn-keepers and Ale-house-keepers.*

**¶** That they suffer no persons to be Tipling

their houses against the Laws herein provided.

1. That they suffer not any persons to play at unlawfull games, in their houses.

3. That they suffer none but such that have necessary occasion, to be or remain drinking in their houses on the Lords day.

4. That they suffer none to be drinking there at unreasonable times of the night.

5. That they suffer none other disorder or misrule in their houses.

W S. and K S. two of, &c. To the Constables <sup>2</sup> Glouc. ff. of Dale within the County of G. Whereas we are informed, that I S. of your Town, Ale-house-keeper, is himself a man of evil behaviour, and doth also suffer ill rule and disorder in his house, contrary to the Lawes in that case provided. These are therefore to require you forthwith to repair to the house of the said I S. and to charge him from us, and in our names, to surcease from common selling of Ale or Beer, at his peril. Given, &c.

W S. and K S. &c. To the Constables of <sup>3</sup> Glouc. ff. D. in the County of G. and every of them. Whereas I S. of D. in the said County, hath of his own authority taken upon him to keep a common Ale-house in D. aforesaid, and still continueth so to do, contrary to the Statute in that case provided, albeit he hath been duly discharged and forbidden so to do by the Justices of the Peace of the County. We therefore do hereby command you, that you do him apprehend, and convey him to the common Gaol of this County, and him deliver to the Keeper there, who is hereby

**Chap. 10** hereby charged to receive him at your the said Constables hands, and him safely to keep for three days, and afterwards till he become bound with good Sureties before some Justices of the Peace of this County, that he shall not keep a common Ale-house or Tipling-house any more, according to the Statute in that case provided. And hereof, &c.

*Observations upon this Warrant.*

We find this Préfident amongst their Printed Warrants, but do not find a good ground for it; Nor can we see how the Justices may safely make it; for we know not how the offender may be convict upon 5. and 6. of *Ed. 6.* but by Indictment. But if the Ale-house-keeper sell after he is discharged, this is a contempt; and then we conceive, upon proof of this, any Justice of Peace may send for him, and bind him to the good Behaviour, and to appear at Sessions; and if he cannot put in Sureties, may send him to Gaol. And by this way Ale-house-keepers may be made to give over their selling of Ale. Or he may proceed against him upon the Statute of 3 *Car. 3.* by the Warrant that comes after here, Numb. 10.

**4 Glouc. ss.** W. S. Esquire, &c. To the Constables of Dale in the County of G. and every of them; Or it may be directed to the Churchwardens of Dale in the County of G. For as much as it hath been duly proved before me, that the persons here under-named, inhabitants within your Parish of D. upon the first day of May last, were and did continue drinking and Tipling in the house of

Against the Ale-house-keeper for suffering tipling, and he tipler or tipling.

G W.



G. W. an Inne-keeper, or an Ale-house-keeper within your said Parish, and that the said G. W. did then suffer it, contrary to the Statutes in that case provided: By which the said persons under-named have forfeit each of them three shillings four pence a piece, and the said Innekeeper hath forfeit ten shillings to the use of the Poor of your Parish. You are therefore hereby required to take notice thereof, and according to the duty of your place forthwith to levie of the goods of the said G. W. to the use of the poor of your Parish, ten shillings, by distress, apprisement, and sale thereof, according to the Statute, rendring to him the overplus. And likewise to levie by distress and sale of the goods of every of the said persons under-named three shillings four pence a piece, in case the same persons shall refuse or neglect to pay the same three shillings four pence to the Churchwardens of the Parish within one week after the demand thereof, rendring back the overplus. And in case the said last offenders, or any of them be unable to pay the same forfeiture, that then you put the same persons so unable in the Stocks, there to remain the space of four hours. And you are further to give notice to the said G. W. that he is by this offence disabled to keep any common Ale-house by the space of three years next following. And hereof, &c. A B. C D. E F. G H.

This offence of tripling must be punished within six months, and therefore the Warrant shall do well to express the offence to have been done within six months.

## Chap. 10

W S. &c. To, &c. (as in the last.) It be-  
 5 Glouc. ff. ing duly proved before me, that I S. of, &c.  
 an Inne-keeper, or Victualler, or Ale-house-  
 Another. keeper, or Taverner, or one that doth sell Wine  
 in his house, did upon the first day of May last, in  
 Either of them will his house there, being an Ale-house, or Inne, or  
 serve. Tavern, (as the case is,) permit and suffer divers  
 unknown persons to be and remain tipling, contra-  
 Grounded ry to the Act of Parliament in that case provided,  
 upon 1 Car. by which he hath forfeited ten shillings, &c. (as  
 4. & 1 Jac. 9. in the last.) And hereof, &c.

6 Glouc. ff. W S. &c. To the Constables of D. in the  
 For not County of G. and every of them, (or it may be  
 keeping the to the Churchwardens.) Whereas I S. an Ale-  
 affize. house-keeper, or an Inne-keeper of your Parish  
 Grounded of Dale, hath been lawfully convicted before me  
 upon 1 Jac. 9. for selling Ale and Beer by unlawfull measures  
 and less then a quart of the best for a penny  
 within three moneths now last past, at D. afore-  
 said, contrary to the Statute in that case provi-  
 ded, whereby he hath forfeit twenty shillings to  
 the use of the Poor of your Parish. You are  
 therefore hereby required to take notice thereof,  
 and according to the duty of your place forthwith  
 to levee of the goods of the said I S. by distress,  
 apprisement and sale thereof, according to the  
 Statute in that case provided, to the use of your  
 Poor, the same sum of twenty shillings. And  
 you are hereby required to give notice to the said  
 I S. that he is disabled for three years next  
 coming, to keep any such common Ale-house  
 again.

W S. &c. To, &c. (as in the last.) Every of the persons here undernamed being lawfully convicted before me, for selling Ale and Beer, the first day of May last, at the places of their several abodes hereunder mentioned, contrary to the Statute in that case provided. These are to require you to levie by distress and sale of the goods of every of the said persons so named, the sum of twenty shillings. And if they shall refuse to pay the said sum, you are to detain the said goods so distrained six days, and then for default of satisfaction, to prize and sell the same, rendering the overplus; which several forfeitures shall be by you employed to the use of the Poor of your Parish. And if any of them refuse to pay their several forfeitures, and that you find not a sufficient distress wherein to levie the same, That then you the Constables, or one of you, commit every such offender to the Stocks, there to remain by the space of four hours. And hereof, &c.

*Observations upon these four Warrants.*

In case of selling less than measure, and tipling, we conceive the Justice cannot command the Officer; for the Statutes do not give him power to make any Warrant: But the Officer is *ex officio* of his own power to do it. Therefore this last Warrant, however we find him in Print, yet we cannot justify him, especially the last branch, of putting the Ale-house-keeper in the Stocks; for we do not find it warranted by any Law. My advice to the Justices of Peace therefore is, that they do not use it.

W S.

Chap. 10.

8 Glouc. ff.  
For Drunk-  
kards, upon  
1 Jac. 5.

W S. &c. To the Constables of D. and every of them. I S. of your Parish of Dale being lawfully convicted before me, for being drunk the first day of May last, at Dale aforesaid, contrary to the Statute in that case provided, this being the first offence, for which he is to forfeit five shillings, or to be put in the Stocks six hours. These are therefore to authorize and require you, and every of you, forthwith to demand the same five shillings of him; and in case he pay it not to the Churchwardens of your Parish within one week after demand, that then you levie the same by way of distress and sale of his goods, giving back the overplus. And in case he be not able to pay the same, that then you put and keep him in the Stocks by the space of six hours. And hereof, &c.

9 Glouc. ff.  
Another.

W S. &c. To the Constables, &c. It appearing to me by my own view, that I S. of your Town was on Wednesday last drunk, contrary to, &c. By which, &c. (as in the last.) These are, &c. (as in the last.)

This offence also must be punished within six moneths after it is done; and therefore the Warrant is to say when it was done.

10 Glouc. ff.  
For selling  
Ale without  
license; up-  
on 3 Car. 3.  
The first of-  
fence.

W S. &c. To the Constables of Dale in the County of G. or it may be to the Churchwardens of D. The persons undernamed, all of them of your Parish, being lawfully convicted before me, for an obstinate keeping and maintaining of a common Ale-house or Tipling-house the first of May last, in the places there mentioned, without lawfull Licence, against the Laws in that case provided, for which each of them are to pay twenty shillings

shillings a piece, to the use of the Poor of your Parish, or to be openly whipped. These are therefore to authorize and require you, forthwith to levie the same of each of them by distress, apprise-ment, and (after three days the money not paid) by sale of their goods respectively, giving back the overplus. And in case of lack of distress, or not payment thereof within six days now then next following, that then you see them openly whipped for the same. And the money by you received, you are to see to be imployed to the use of the Poor of your Parish. And hereof, &c.

I S. of M. for keeping an Ale-house in M. in this County.

L M. of K. for keeping an Ale-house in K. in this County.

N O. of S. for keeping an Ale-house in S. in this County.

To the Constables of Dale.

W S. &c. Whereas I S. of your Parish of Dale hath been duly convicted before me the second time, for selling Ale and Beer without Licence, and for keeping a common Ale-house and Tipling-house; for which second offence he is to be committed to the Bridewel for one moneth, according to the Laws provided in that case. These are therefore to require you forthwith to apprehend the said I S. and him to carry to the Bridewel within the Castle of Glouc. to the Governour thereof, who is hereby commanded to receive him, and there to keep him, by the space of one moneth, and to deal with him as an idle, lewd and disorderly person. And this shall be your Warrant. Dated, &c.

II Glouc. ff.

For selling Ale without license the second time,

Grounded upon 3 Car.

So

## Chap. 10

So by this the Warrant may be made upon the third conviction to commit him to the house of Correction, there to remain till by order of the Justices in their General Quarter Sessions he be from thence delivered.

No Warrant can be made (as it seems to me) by a Justice against the Officer that doth neglect, or refuse to levie the twenty shillings upon the Ale-house-keeper for selling without license, to commit him, or force him to pay the forty shillings upon 3 Car. 3. For there can be no conviction of him, and therefore no punishment of him thus, but by way of Indictment. So the Officer upon 1 Jac. 9. that shall not execute his Office against Ale-house-keepers, for suffering tipling, or selling less then measure, or others for tipling. And the Officers that shall upon 4 Jac. 5. neglect to execute their Offices against Drunkards, cannot be punished upon the Justices Warrant, because the Justice is not to command, but the Officer in the first case *ex officio* to do execution, and because the Justice cannot convict by witnesses: And yet it seems reasonable, that upon 1 Jac. for lack of certificate of want of distress, that the Justice should send his Warrant for that which is in his own knowledge. But if any Justice in these and such like cases will adventure to send his Warrant, he must be sure that there is such a neglect: And then if he will adventure, we conceive his Warrant must be after this form,

12 Glou. ff.

W S. &c. To I S. and W S. of Dale in the County of G. Whereas W S. of your Parish, Ale-house-keeper, was duly convict before me for selling less then one full quart of his Ale for one penny,

penny, and of the small less then two quarts for one penny; and I did thereupon send my Warrant to the Constable of your Parish, I S. being then the Constable there, to give him notice thereof, and to call upon him to do his duty in levying the sum of twenty shillings, forfeited by him for his said offence, by way of distress to be taken of the goods of the said W S. and that the same being detained six days, and no satisfaction made to him, that then he did presently apprise, and sell the same goods, and render the overplus, according to the power to him given by the Acts of Parliament in that case provided. But the said I S. hath not levied the same money, as is said, nor hath certified to me any lack of distress, albeic my said Warrant was sent to him more then twenty days since; by which the said Constable hath forfeited forty shillings, to the use of the Poor of your Parish. These are therefore to require you the said I S. and W S. forthwith to levie the same forty shillings of the goods of the said I S. the then Constable, in this wise, viz. to take and detain his goods by way of distress for six days, within which time if he pay you not, that then you presently apprise and sell the same, rendering to him the overplus. And if no distress can be had, that then you carry the said I S. to the common Gaol of the County, there to remain until he shall pay the same. And hereof, &c.

## CHAP. XI.

*About Masters, Servants, Labourers,  
Apprentices.*

**V**VE have seen divers Presidents of Warrants by one Justice of Peace to apprehend a fugitive Servant, and one that refuseth to serve, and carry him to Gaol, unless he put in security to serve his Master, &c. We shall not give you any President hereof, because we understand not upon what Law it is grounded. But some of those we conceive may be warranted upon the Laws in force, we have hereafter set down. For placing of the poor Apprentices, see in *Poor*.

*To the Constables of D. in the County of G.*

W S. and K S. two of the Justices, &c. Information being given to us, that I S. of your Town of Dale, is a person of an able body, and hath nothing whereby to live that can be seen, but her work, and liveth by working at her own hands, and refuseth to go to service: You are hereby required forthwith to give her notice, that she is before Michaelmas next to put herself into service, according to the Statute in that case provided. And she is hereby required to conform her self hereunto at her peril. Given, &c.

*i Glouc. ff.* To command one that works at her own hands, to go to service.

All these warrants are grounded upon 5 Eliz.



*About Masters, Servants, &c.*

63

Chap. II.

*To the Constables of D. in the County of G.*

Whereas upon information given to us, that I S. of your Parish of Dale, a person of able body, not having any visible means whereby to maintain her self but her labour, did refuse to go to service, and did live by work at her own hands: We did thereupon order her to put her self in service before Michaelmas last; the which she hath not done, in contempt of authority. These are therefore to require you to take her the said I S. and to convey her to Bridewel in Glouc. and there to remain, until she be from thence delivered by order of Law. Given, &c.

2 Glouc. ff.

To punish for disobedience to the last warrant.

*Observations on this Warrant.*

It seems to me a safer way in this case, to bind her to the good Behaviour for this contempt; for there is no way of conviction of this contempt. Given, &c.

There are divers offences in Servants, Apprentices, and Labourers, and some in Masters, punishable by the Law of 5 Eliz. But because the Law is doubtfull in the sense of it, in relation to these things, it seems to speak that they are onely punishable at a Sessions of the Peace; therefore we give you no Presidents of Warrants for a Justice of Peace but of Sessions. In all differences between Masters and Servants, we think it best for the Justice to warn the parties onely to be before him, and see if he can end the matter between them, after this manner.

To

## Chap. II

To the Constables of D. in the County of G.

3 Glouc. ff.  
Against a  
Master for  
wages.

I S. of, &c. having made his complaint to me, that he being hired by I D. of your Parish; he hath turned him away within his time, and also refuseth to pay him his wages for the time he hath served him. These are therefore to require you to warn the said I D. to be before me (such a day) to answer the premises, and to warn the said I S. to be then there also to make good his complaint, &c.

To the Constables of D. in the County of G.

4 Glouc. ff.  
Against a  
Servant that  
departeth  
being an  
Apprentice.

I D. having complained to me, that I L. being his hired Servant for one year to be ended at Michaelmas next, hath wilfully departed out of his service within the time, contrary to the Laws in that case provided. These are (as in the other) changing the things to be changed.

To the, &c. as in the last.

5 Glouc. ff.  
Against a  
Master that  
doth abuse  
his Servant  
Apprentice.

W S. &c. Complaint being made to me by I S. an Apprentice, against I D. his Master, both of your Parish of Dale in this County, That the said I D. doth not allow to his said Servant, competent meat, drink, and apparel, or doth immoderately correct him, and without any cause at all, (or refuseth to receive and to keep him) as the case is. These are to require you to warn both the same parties to be before me at W. (such a day) to the end that I may then examine the same matter, and end it, if I can, &c. Given under my hand, &c.

*About Masters, Servants, &c.*

65

Chap. 11

*To the, &c. as in the last.*

W S. &c. Complaint being made to me by 6 Glouc. ff.  
I D. a Master, against I S. his Apprentice, both  
of your Parish of Dale in this County, that the  
said I S. is a disobedient and stubborn Servant,  
and doth very much miscarry himself towards his  
Master, or that the said I S. hath departed out of  
his service. These are to require you, &c. (as in  
the last.) Given, &c.

WS. IH. LM. NO. four of the Justices, &c. 7 Glouc. ff.  
Complaint having been made to us by I S. an Ap-  
prentice, against I K. his Master, both of your Discharge  
Parish of Dale within this County, That the said of an App  
I K. his Master hath not allowed to his said Ser- prentice:  
vant competent diet, and apparel besitting such  
Apprentice, and hath sometimes corrected him  
without any just cause at all, and when he had  
cause, corrected him above measure; and we ha-  
ving called the same parties before us, and exa-  
mined the Complaint, find it to be true: And  
therefore we do think fit to discharge the said Ap-  
prentice of his Apprenticeship, And therefore do  
by these presents, under our Hands and Seals,  
pronounce and declare, That we have for the cau-  
ses aforesaid, discharged the said I S. the Appren-  
tice of his Apprenticeshood, the first day of May.

All these are grounded on the Statute 5 Eliz. 4:

F

Chap

## CHAP. XII.

## About Rates.

*1 Glouc. ff.*  
To have  
contribution  
for a sum  
charged up-  
on a Hun-  
dred for a  
Robbery.

This is up-  
on 27 Eliz.  
cha. 13.

**W** S. and I S. two of the Justices, &c. To the High Constable of the Hundred of W. in the County of G. and to all the Petit Constables and Tythingmen of the several Parishes and Tythings within the said Hundred. Whereas one I S. was of late robbed of an hundred pounds, within the said Hundred of W. and hath thereupon sued the same Hundred of W. and hath a Judgment to recover an hundred pounds against it, the which hath been levied of, and charged upon I S. and L S. two of the inhabitants of D. within the said Hundred. And upon their complaint to us hereof, we have according to the Act of Parliament in that case provided, for the raising of the same money, set a rate upon the Parishes and places within the said Hundred, which rate is hereunto subscribed and annexed. These are therefore to require you the said High Constable, to give notice thereof to the Petit Constables and Tythingmen of your Hundred. And thereupon all the said Petit Constables and Tythingmen are required forthwith equally to distribute and set the same rate upon the inhabitants of their Parishes and Tythings respectively, according to the rule of rating for their Poor. And the same being rated, that they do demand it, and in case of non-payment, levie it by distress and sale of goods upon every of the inhabitants not paying it respectively.

ly. And having levied and received the same, that they do forthwith bring and pay it in to us, or one of us, to the end that the same may be paid over to the said I S. and L S. And that you do within fourteen days next following, give to one of us an account of your execution of this Warrant at your peril. Given, &c. Chap. 12

The rate above mentioned in this Warrant, to be annexed thereunto.

Then let the rate be affixed, and see that it be handsomly done, with an apt title above it, after this manner.

A Rate made by I S. and W S. Esquires, two of the Justices of the Peace, &c. for the raising of an hundred pounds, upon the Hundred of W. charged upon it, and levied upon I S. and L S. two of the inhabitants, upon a Judgment had by one I S. against the Hundred, after a robbery.

The Parish of Dale.

I S. fix d.

I L. fix d.

W S. Esquire, &c. one of, &c. To the Constable of D. in the County of G. A rate being made by you the Constable and Churchwardens of your Parish of Dale, and two of the inhabitants there, the which rate is annexed and subscribed, for the raising of money of your Parish, for the carrying of certain offenders within the Parish to Gaol, that had not ability in goods or chattels to defray their own charge, and the which you the said Constable have laid out of your own purse. And this rate having been duly allowed

To carry a Prisoner to Gaol.

This is upon 3 Jac. chap. 104

Chap. 13 by a Justice of Peace under his hand, according to the Statute in that case provided: These are to require and authorize you the said Constable to demand the same; and in case of not payment, to levie it by distress and sale of goods, the same goods having been first apprised by four of the Parishioners, upon every of the persons not paying the same upon demand. And the same money when you have received you may keep, and retain to satisfy your self for your disbursement aforesaid. And these shall be your Warrant for the same. Given, &c.

A Rate made by the Constables, Churchwardens, and two of the inhabitants of Dale, &c.

And by these, other Rates (if need be) for Quarter Sessions, Pavements, Bridges, and other things may be made.

As for the Rating for Poor, Churches, Highways, and in the Plague time, see it in these Titles and other places.

---

### CHAP. XIII.

*About the Charge of carrying a Prisoner to Gaol.*

I Glouc. ss.  
For the sale  
of his own  
goods.  
Upon 3 Jac.  
10.

**VV** S. Esquire, &c. To the Constable of the Parish of Dale in the County of Glouc. I S. a malefactor, being of late by me sent through your hands to the common

mon Gaol of this County, in the convey of whom thereunto ( as you have informed me ) you have been necessarily inforced to lay out in charges and expences upon him, and those that guarded him thither, the sum of twenty shillings, for which ye have not as yet received satisfaction, albeit the said I S. hath an ability of goods and chattels to make you satisfaction. These are therefore to authorize and require you, forthwith to take and sell such and so much of the goods of the said I S. within your Parish, or elsewhere in this County, as shall satisfie and pay you the same money by you laid out ; but that you do before you sell the same, cause the same to be apprized by four of the inhabitants of the Parish where the goods are. And that you keep so much of the money as to satisfie your self, and deliver to the said I S. all the overplus of the money made by sale of the same goods. And hereof, &c. Given under my Hand and Seal, &c.

*Or it may be directed to the High Constable of the Hundred, thus.*

Having received information, that I S. of D. being late sent from a Justice of Peace by the hand of L M. a Constable of D. within your Hundred, to the common Gaol of this County, and that in the convey of him thither the same Constable was forced to lay out in expences upon the Prisoner and those that did attend and guard him, twenty shillings ; which the said I S. did refuse to pay at that time, and doth still refuse to pay the said Constable, albeit he hath an ability of goods and chattels to do it. These are therefore

**Chap. 14** to authorize and require you forthwith to take and sell such and so much of the goods of the said I S. within your Hundred, as shall satisfie and pay the same Constable the charges so by him laid out. But that you do, [as in the last,] (with this,) And the same twenty shillings so by you made of the sale of the same goods, that you pay it over to the said L M. And this shall be your Warrant. Given under my Hand and Seal at S, in the same County, &c.

## CHAP. XIV.

*About Rogues.*

*To the High Constable of the Hundred of w. in the County of Glouc. and to all the Petit Constables within the same Hundred.*

**I Glouc. ff.** **W** S. and L S. Esquires, two of, &c. These are to require you the said High Constable and Petit Constables, that you (taking sufficient assistance with you) do make a general privy search within all the Towns, Parishes, and Hamlets within your Hundred, upon Munday night the first day of May next, at night, for the finding out, and apprehending of all Rogues, Vagabonds, and wandring, and idle persons, in, or about your said Towns, Parishes, and Hamlets. And such as you shall find in the same search, that you do apprehend and bring, or cause to be brought before us the next day, being the second day of May, to the house of, &c. in D. to be by us dealt withal

**For a general search.**



withal according to the Statute in that behalf provided. At which time and place, you are all of you further required to appear before us, and then and there to give an account upon Oath in writing, and under the hands of the Minister of every several Parish within your Hundred, what Rogues, Vagabonds, wandring and disordered persons have been there apprehended, as well in the same search, as also since the last meeting of the Justices of Peace, made for this purpose, being upon, or about the tenth of October last. And hercof, &c.

W S. &c. To the Constables of Dale in the <sup>2</sup> Glouc. ff. County of Glouc. Forasmuch as one I S. a wan- Grounded dring, idle and disorderly person, was taken beg- upon 39 ging in Dale in this County, and brought before Eliz. 4. me. These are to require you forthwith him to correct, and by a Pass to convey, according to the Statute in that case provided. Given under my Hand and Seal, &c.

W S. and K L. &c. To the Constable of Dale <sup>3</sup> Glouc. ff. in the County of Glouc. It being duly proved before us, that I S. the Minister of your Parish Grounded of Dale, doth not keep a Register-book there, ac- upon 39 cording to the Law in that case provided, to re- Eliz. 4. cord the correction and pass of Rogues, by which he hath forfeited five shillings to the use of the Poor, or the Bridewells of the County, at our election. These are therefore to require you to levie the same five shillings of the goods of the said I S. by distress and sale thereof, and to pay over the same money (so by you levied) to the Overseers of the Poor of your Parish, to be employed to

Chap. 14 the use of the Poor of your Parish. And here-  
of, &c. Given under our Hands and Seals, &c.

*To the High Constables of the Hundred of W. in the  
County of Glouc.*

W S. and K L. &c. It being duly proved be-  
4 *Glouc. ff.* fore us against I S. the Constable of Dale, that  
he hath been negligent in his Office, in the ap-  
prehending and punishing of Rogues, and that up-  
on the first of May now last past, he being the  
Constable there, did willingly suffer an unknown  
wandring Rogue, to pass through his Town; and  
albeit he had timely notice given to him of him,  
and he might easily have apprehended him, yet  
he did not apprehend, correct, and pass him, as  
by the Law he ought to have done, whereby he  
hath forfeited ten shillings to the use of the Poor  
of the said Parish, or to the use of the Bridewel  
of the County, at our election. These are there-  
fore to require you to levie the same ten shillings  
of the goods of the said I S. by distress and sale  
thereof, and to pay over the same money so by  
you levied, to the Overseers of the Poor of the  
said Parish of Dale, to be employed to the use of  
the Poor there. And hereof, &c. Given under  
our Hands and Seals, &c.

This is  
grounded  
upon 1 Jac.  
7.

*To the High Constable of the Hundred of W. in the  
County of G.*

W S. &c. It being duly proved before us a-  
5 *Glouc. ff.* gainst I S. the Constable of Dale, that he hath  
been negligent in his Office, in the correction  
and convey of Rogues and Vagrants, and that  
So is this. upon

upon the first day of May last past, one I S. a Chap. 14  
vagrant idle person, being taken begging in Dale  
aforesaid, and brought and offered to him to be  
punished, he did not correct and pass him, as by  
Law he ought to have done, but did willingly  
suffer him to escape unpunished, whereby he  
hath forfeited, &c. (as in the last) to the use  
(as in the last to the end.) Given under our  
Hands and Seals.

*To the High Constable, &c. (as in the last.)*

W S. &c. It being duly proved before us a-  
gainst I S. Constable of Dale, that he hath been  
negligent in his Office, in the correction and pu-  
nishment of Rogues and Vagrants. And that the  
first day of May now last past, he sent one W K.  
a Rogue to be conveyed to the place of his birth  
by a general and illegal Pass; or, that one I K.  
a Rogue being passed according to the Law, and  
tendered to him, he did willingly refuse to receive  
him, and did suffer him to escape, or shift him  
away, or did not pass him to the next Parish, ac-  
cording to the Statute in that case provided, by  
which he hath forfeited five pounds to the use of,  
&c. (as in the last.) These are (as in the last,) and  
to bind him to the good Behaviour. Given under  
our Hands and Seals, &c.

6 Glouc. ff.  
Either of  
these are  
sufficient,  
This is  
grounded on  
39 Eliz. 4.

The like may be made against the Church-  
wardens and Overseers of the Poor, for refusing  
to take one duly sent unto them, thus; That  
whereas one I W. a poor person, was by a Sessi-  
ons order sent to be settled in your Town, and re-  
ceived there by the Churchwardens and Overseers  
of

5 Glouc. ff.

**Chap. 14** of the Poor there, I S. &c. being then Overseers, and tendred to them accordingly, they willfully refused.

*To the Constables of Dale in the County of G.*

**6 Glouc. ss.** It being duly proved before us, that I S. of your Parish, the first day of May now last past, did entertain an unknown person, a vagrant begging person at his doors, and did not bring him to the Constable of the Parish, as he ought to have done, but gave him an Alms, by which he hath forfeited ten shillings to the use of, &c. (as in the last.) Given under our Hands and Seals.

**Upon 1 Jac. 7.**

*To the Constable of Dale in the, &c.*

**7 Glouc. ss.** It being duly proved before us against I S. of your Parish, that one K L. a vagrant Rogue, being apprehended, corrected, and duly sent to your Parish, and delivered to the said F B. the Constable of the said Parish, the said I S. did rescue and shift him out of the Constables hands, whereby he escaped; by which the said I S. hath forfeited, &c. (as in the last.) Given under our Hands and Seals.

**Upon 1 Jac. 7.**

*To the Constables of Dale.*

**3 Glouc. ss.** It being proved before us against I S. of your Parish, and M. his Wife, that they being able to work, do threaten to run away out of the Parish, and leave their Family to the Parish. These are therefore to require you, that unless they shall forthwith put in sufficient Sureties for the discharge

charge of your Parish, that you do forthwith apprehend the said I S. and M. his Wife, and them to carry to the common Bridewel of the County in G. there to be dealt with and detained as sturdy and wandring Rogues, until they shall be discharged by order of Law, &c. Given under our Hands and Seals.

All these eight Warrants (but the fifth) must be made by two of the Justices of the Peace, and one of the Quorum, and under their Hands and Seals.

W S. &c. To the Constables of Dale, I S. of your Parish, having left his Family on the Parish, and being run away from them, and being by you brought before me for an incorrigible rogue; These are to require you to keep him safe, till by order of two Justices of the Peace he shall be delivered. *9 Glou. ff.*

I am not satisfied in the safe granting of this Warrant, because there is no way of conviction of the offence set down in the Statute on which it is grounded. But for an incorrigible Rogue, taken and brought before a Justice of Peace by a Constable, in this case I take it warrantable. *Upon 7 Jac.*  
Thus.

W S. and I S. &c. To the Constable of Dale. Forasmuch as I S. of your Parish, being brought by you before me for an incorrigible Rogue, was by me committed to you, to be secured till by order of two Justices of Peace you were delivered of him: These are now to require you, him to convey to the common Bridewel, and there to deliver him to, &c. there to remain till the next Quarter Sessions, and till he shall be delivered by order of Law. Given under our Hands and Seals. *10 Glou. ff.*

*Obser-*

Observations upon these Warrants.

In case where any are brought as Rogues, or incorrigible Rogues, to a Justice of Peace by an Officer, as such as will not work, or run from their Families, or have a Bastard Child like to charge the Parish, or the like: In these cases it seems the Justice may send them to Bridewel, or to Gaol, as the Law is. There be no ways of conviction set down by these Statutes; for the Constable doth first apprehend, and he must see that he have good cause to do it. But I should choose rather to put them to find Sureties for their good Behaviour, and send them to Gaol upon this account.

11 Glou. ff. It having been duly proved before me, that I S. late of, &c. being an idle wandering person, hath counterfeited a false Testimonial under the name of W S. supposing him to be a Souldier, landed at Dover, and that he was allowed to travel to the place of his birth, &c. whereas in truth he never was a Souldier, neither did he land at Dover, nor was he allowed to travel, &c. These are, &c. to bind him to the good Behaviour. Or perhaps two Justices may make a Warrant, to send him to Bridewel, but one Justice may bind him to the good Behaviour.

CHAP. XV.

*About the Plague.*

*To the Churchwardens and Overseers of the Poor of the Parish of M. N. O. within this County.*

W S. and I S. two of the Justices, &c. Information being given to us, that the Parish of Dale within this County is infected with the Plague, and that it hath need of relief from the adjacent places five miles about it, according to the Statute in that case provided. The which, because we intend to provide for them, we command you, and every of you, to be before us upon the first day of May next, at the house of, &c. with your Church-books of Rates for the Poor, to the end that we may then make an equal weekly Rate and Assessment for the purpose aforesaid. And hereof, &c.

*I Glouc. ss.  
On the same*

A weekly Rate made the first day of May, by W S. and I S. Esquires, two of, &c. with the assistance of the Overseers of the Poor of the Parishes within five miles compass of the Parish of Dale, at this time infected with the Plague, for the relief thereof during the time of the infection, to be paid by the inhabitants of the same Parishes weekly, according to the Act of Parliament in that case provided.

*The*

*About the Plague.*

Chap. 15

*The inhabitants of the Parish of S. to pay weekly as followeth.*

I S. 6 d.

W S. 3 d.

T S. 2 d.

N O. 3 d.

L M. 2 d.

K N. 2 d.

*The inhabitants of the Parish of M. to pay weekly as followeth.*

S T. 6 d. &amp;c.

*To the Churchwardens and Overseers of the Poor of the Parish of Dale.*

2 Glouc. ff. W S. and I S. &c. There being a Rate made which is for your Parish, the Rate subscribed to this Warrant, for the relief of the inhabitants of the Parish of Dale, at the present infected with the Plague, according to the Act of Parliament in that case provided. These are to authorize and require you forthwith to levie and collect the same of the persons therein named respectively, by distress and sale of their goods, rendering to them the overplus. And the same money so by you received, that you pay over to the Overseers of the Poor of the said Parish of Dale, and give in the same upon your account at the end of your year. Given under our Hands and Seals, &c.

On the same.

*To the Constables, Churchwardens and Overseers of the Poor of Dale in the County of G.*

3 Glouc. ff. Whereas we are credibly informed, that the Plague



Plague is in the house of I S. of your Parish, whereof one died. And whereas also we are informed, that divers of the inhabitants of your Parish have resorted to the said house, both before and after the said party was dead, and especially two children in the house of I P. by reason whereof it is feared that they are sick, and so by reason thereof the sickness is like to increase and spread further in the Town, unless there be speedy provision made for the preventing thereof. These are to require you the said Constables forthwith to cause the said house so infected to be shut up, and that you appoint one or more Warders at the door, to keep them from coming forth, and others from coming at them. And if any shall wilfully disobey your orders and directions herein, attempting to resist their keepers, and go abroad, that then you and the said Wardsmen force them to keep their houses. And if any wilfully go abroad, having the Plague-sore upon them, that you and they apprehend them for, and deal with them as with Felons: And if they have no sore, that then you bring them before some Justice of Peace, to be dealt with as Vagabonds, and to be bound with Sureties to the good Behaviour. And that you the Churchwardens and Overseers of the Poor be careful that the parties shut up be sufficiently provided for, for their present relief and sustentation. And further, that you cause the said I S. and his Family to keep themselves within their own doors, and that in the mean time, he forbear to viſual, or to let any come into his house, till he hath further order. And of your care, diligence and proceeding herein, that you do from time to time give us account, that we may give further direction

Chap. 15 direction herein. And we are further to advise the Parishioners, that they be very carefull not to mingle themselves amongst them that have been in the same infected house. And of this our advertisement that you give them speedy notice, &c.

*Oath of Searchers.*

4. You shall swear, that you shall carefully search, enquire, and examine all such persons as shall die within this Parish of M. And you shall truly publish and declare, whether any such person do die of the Plague, by any sign that shall appear thereof, without any conniving in any manner whatsoever, to the uttermost of your skill and ability, or of what other disease they shall die. So help you God.

Grounded  
upon 1 Jac.  
31.

*Oath of the Bearer.*

5. You shall well and truly serve in the place of a Bearer at the visited houses where you shall be employed and appointed; you shall not purloin, or carry away any goods forth of the said houses, or either of them. And you shall take care not to come into any company, but continually to remain in the place assigned to you, but at such times, as you are employed in your said Office, as a Bearer; and in every other thing that belongs to that place, you shall (as you shall be directed by the Officers) well and faithfully behave your self. So help, &c.

*Oath of the Examiner.*

6. You shall well and truly execute the Office for examiners of health within the Parish of Dale;

you

*About making of Constables.*

81

Chap. 16

you shall truly enquire and labour to know, from time to time, what houses within the said Parish be visited with sickness, and who therein are sick, and of what diseases they are sick, and upon doubt, command restraint of access, until it shall appear what the disease is. And if you find any person sick of the Plague, you shall give present order to the Constable, forthwith to shut up the house wherein he is. And if you find the Constable careless herein, you shall forthwith acquaint some Justice of Peace therewith. And you shall see that the visited persons be weekly provided for; and in every other thing shall do as belongs to your Office; So help you God.

CHAP. XVI.

*About making of Constables.*

*A Warrant for the making of a new Constable.*

*To our loving friend, A B. of Dale, Tiedman.*

THESE are to require you, to make your repair to us, or to some other Justice of the Peace of this County, to take the Oath of a Constable, to serve within your Town of Dale, you being chosen and ordered by the Lect of your Town to undertake the same Office.

*Or thus.*

Whereas A B. of your Town, the new Constable thereof, is by reason of his age and impotency

G

Chap. 17

tency very unable and insufficient to execute the said place. These are to require you whose names are under-written, to be before me at my house at W. to morrow by eight a clock in the morning, that I may make choice of one of you to be sworn to undertake the same Office. And hereof, &c.

*Observations upon this Warrant.*

We do not approve the making of Constables by one Justice of Peace, but in case of necessity onely; when a Constable dies, and it is long to the Quarter Sessions, or Leets, at which Courts these Officers are regularly to be made. The Tythingman and Constable is now become all one Officer in most places, and it were well they were so sworn, called all of them Constables, or else Constables and Tythingmen both.

## CHAP. XVII.

*About Highways and Bridges.*

**F**OR the form of the Presentment of a Justice of Peace of a Highway in decay upon his own view. It differs not from a Presentment of a Jury, or Indictment; but onely in the Title. I S. &c. one of the Justices doth present upon his own view, That, &c. But this the Clerk of the Peace is to draw up for the Justice.

We give you no President for the repair of Bridges by four Justices of Peace, or for the repair of *Chesflow-bridge*; for we suppose no Just-

*About Warrants to bind over.*

83

ces will care to do this out of the Quarter Sessions, from which Court it is best to get these things done. Chap. 18

*The wages appointed and set by the Justices, to be allowed to men that work at the High-ways, for themselves, servants and plows, for this year, according to the new Ordinance ; as followeth.*

To the labouring man for himself the days work, from 8 in the morning to 3 in the afternoon, } 6 d.

To the Plow-man for his Plow with four Oxen, or three Horses, and two Men the same time, } 2 s. 6 d.

And so after this rate for the rest;

W S. I S.

---

CHAP. XVIII.

*About Warrants to bind over.*

*To the Constables of D. in the County of G.*

W S. &c. Complaint being made, and Information being given to us against I S. of your Parish of Dale, that I F. of the same Parish, being a poor child, and his Parents unable to maintain him, was by the Churchwardens and Overseers of the Poor there, and by allowance of the Justices of the Peace, duly and legally placed with, and bound to the said I S. according to the Laws in that case provided, and the said

I Glouc. ff.

A warrant to bring a man in to be bound over.

Master and Apprentices

G 2

I S.

Chap. 18 I S. ordered and appointed by the Justices to entertain him: But that he (albeit he hath had notice thereof) doth wilfully refuse so to do, in contempt of Authority. These are to require you forthwith to warn him to be before us, &c. at, &c. the first day, &c. to answer the premises, and to be then there your self with this Warrant. Given under our Hands, &c.

If he come not, then make this Warrant.

*To the Constable of D. in the County of G.*

2 Glouc. ss. W S. &c. Whereas complaint hath been made to us, &c. Recite the effect of the first part of the former Warrant, and then say, And the said I S. having been duly summoned before to come before us to answer the premises, hath made default herein. These are therefore to require you, to apprehend the said I S. and him to bring before me, or some other Justice of Peace of this County, to put in Sureties for his appearance, at the next General Sessions of the Peace to be held for this County, to answer the premises; and in case he refuse so to do, that then you him convey to the common Gaol, &c. as in other Warrants of the Peace.

*To the Constables of D. in the County of G.*

Complaint having been made to me against I S. of your Town, Gent. that he in August last past did hunt with his Spaniels in the ground of I M. where Corn did then grow, at the time when the same Corn was eared or coddled, and  
standings

*Warrants for other things.*

85

standing, and without the consent of the said I S. Chap. 19 then owner of the same ground, contrary to the Statute in that case, &c. By which he hath forfeited forty shillings to the said I M. the owner of the same ground. These are to require you (as in the first.)

So for the next, if he come not, recite this. These are to require you to take, &c. and bring to put in Sureties to appear, and to answer the offence, and to pay the penalties, or receive the punishment by the Act appointed. And hereof, &c.

So the like may be made against a Master that miscarries himself towards his Apprentice, and will not obey the Justices Order. And so against them that refuse to repair Churches upon the Justices Order, or that have Church-lands, and will not account for the profits; changing that that is to be changed.

---

CHAP. XIX.

*Warrants for other things.*

W S. and I S. &c. To the Constables of Dale i Glouc. ss. in the County of G. and every of them. These are to require and authorize you, and either of you, that upon sight hereof, or that upon Monday next by eight of the Clock in the Forenoon, you apprehend and bring before me to my house in Sale, I S. of your Town, Butcher, to answer to such matters of misdemeanour as on

For Misdemeanor.

**Chap. 19** the behalf of our Sovereign Lord the King shall be objected against him. And not to fail. Given, &c. at Sale in the said County, &c.

*Another.*

That you attach the bodies of all and every the persons hereunder named, &c. Or thus : That you apprehend and bring before me, or some other of the Justices of the Peace of this County, the body of I S. of, &c. of whom C D. the bearer hereof will give you particular notice, to answer to such matters as on the part of the said C D. shall be objected against him. And hereof, &c.

*Observations upon this Warrant.*

This Warrant is very common, but not much approved by learned men; nor is it discretion in a Justice to grant, but in case of some great crime, which the Justice is not willing to name in his Warrant. But if it be for the Peace or good Behaviour, or any ordinary matter, it is very harsh not to give the party notice of it, that he may provide himself with Sureties, &c.

**2 Glouc. ff.** W S. Esquire, &c. To the Constable of D. in the County of G. and to I S. of D. aforesaid, For robbing Labourer, and I B. of Dale aforesaid, Butcher. Orchards, &c. It being duly proved before me, that I S. of your Town, Labourer, hath within three moneths last past, cut and carried away the Corn and Hay of I K. of your Parish, or robbed his Orchard of Apples, or cut his Hedges, Pales, or Fences, or digged and pulled up his Fruit-trees, or cut and spoiled

Either of these things are enough.



*Warrants for other things.*

87

Chap. 19

ed his Trees and standing wood in Dale aforesaid, to the value of ten shillings; and that I B. of your said Town, Butcher, hath procured and abetted him so to do, and received from him, and bought of him divers of the same things, to the great damage of the said I K. contrary to the Act of Parliament in that case provided. I do therefore hereby require and order, that the said I S. shall within eight days after notice to him given of this Order, pay to the said I K. ten shillings; and that the said I B. do within three days after notice to him given of this Order, pay to the said I K. twenty shillings, in recompence to him for his wrongs aforesaid. And that these payments be made in the presence of the said Constable, hereby commanded upon request to see it done. And hereof you are forthwith to give them notice; and if either of them shall not pay the same, that then you give me notice thereof, to the end that they may be whipped, according to the Statute in that case provided. And hereof, &c. Dated at D. &c.

This is  
grounded  
upon 48  
Eliz. chap. 4.

We think it not safe to give a Warrant to the Constable for non-payment to whip: for how shall the Constable take consuance of it, or the offender be convicted of it? But rather let the Justice give his Warrant at first to whip him, after this manner.

W S. &c. (as in the last) to those words [in that case provided.] Wherefore the premises considered, and that I judge the said offenders, I S. and I B. unable to make satisfaction for the said wrong, I do hereby order, that they be forthwith committed to you the said Constable of Dale,

3 Glouc. ff.

**Chap. 19** to be whipped, the which you are hereby required forthwith to do at your peril. Given at L. in the said County, under, &c.

The Officer is here to be punished by imprisonment for his neglect, if he do it not. But how he shall be convicted of the offence out of a Sessions, and by Indictment, we know not any way, and therefore offer no Presidents of Warrants for this.

**4 Glouc. ff.**

For unlawfull weights and measures.

Either of them will serve.

Grounded upon 16 Car. 1.

The Churchwardens and Overseers are to do it without Warrant.

W S. Esquire, &c. To the Churchwardens and Overseers of the Poor within the Parish of D. in the County of G. and to every of them. I S. of your Parish of D. being lawfully convicted before me, for selling by unlawfull weights, or unlawfull measures, and that he, the first day of May last, at Dale aforesaid, sold a pound of Currants by a pound weight, or for selling a yard of Holland by a yard, not being according to the Standard of the Exchequer, contrary to the Act of Parliament in that case provided; whereby he hath forfeited to the use of the Poor of your Parish five shilling, to be levied by the Churchwardens and Overseers of the Poor. These are therefore to give you notice hereof, and that you and every of you are by your Office forthwith to levie the same five shillings of the goods of the said I S. by distress and sale thereof, rendring to him the overplus. And in case you do receive the same money, that you do imploy it to the use of your Poor, and give account thereof in the end of your year accordingly. And hereof, &c.

*Another.*

W S. &c. To, &c. I S. &c. being lawfully convicted before me, that he (such a time and place) did keep in his house or shop a pound weight, whereby he did usually buy and sell; or for keeping a yard-measure, whereby he did usually buy and sell; the same not being according to the Standard of the Exchequer, &c.

*Either of them is sufficient.*

We know no other Warrant touching this matter to be made by the Justices of the Peace out of their Sessions of the Peace.

If any man desire to put the Laws in execution against any man for shooting in a Gun, he may see the form of the Warrant and course of proceeding in Daltons Just. of Peace, Chap. 126.

*For shooting in Guns.*

## CHAP. XX.

### *Of Recognisances, and Bail and Main-prise.*

**A** Recognisance is a Bond of Record, testifying that the Recognisor doth owe a certain sum of money to our Sovereign Lord the King, with Condition that the Recognisor shall do some other thing, for the which he is bound in that sum in the nature of a penalty. Wherein these things are to be known.

*1. Recognisance, what it is.*

1. Justices of the Peace do take Recognisances

**Chap. 20** ces for the Peace, good Behaviour, to bind men to appear at the Assizes, at the Sessions, and for many other causes. And for this any one Justice may do it. But to Bail a Prisoner for Felony, take a Recognisance of an Ale-house-keeper, and do some other things, there must be two Justices to do it, and one alone cannot do it.

2. What sum the parties shall be bound in, or what Sureties the Recognisor shall have to be bound with him, it is left to the discretion of the Justice or Justices that doth take the Recognisance, in cases where the Law doth not set down the certainty, as in some cases it doth; and there they must not vary from what is proscribed, in the persons bound, sum, or manner of the Recognisance. But for the Peace and good Behaviour, appearance at the Assizes and Sessions, to give Evidence, and the like, the Justice may bind with what Sureties, and in what sums he pleaseth.

3. It is said, that Justices of Peace cannot bind over an offender against a penal Law, within their cognisance, (nor within the Commission of the Peace, nor committed to the power of any Justice of Peace,) except it be in a special case where the Law it self doth enable them to do it.

4. All such Recognisances must be made to our Sovereign Lord the King himself, and to none other, and in his own name.

5. The Justice of Peace need not affix his Seal to the Recognisance, but he must put his Name to it, and then it is good enough.

of

*Of Bail and Mainprise.*

**B**Ailment or Mainprise (which is one kind of Bailment Recognisance) is the saving or delivering of a what it is, man out of prison, before that he hath satisfied the Law, by taking Surety of him that he shall appear and do it. Wherein these things are to be known.

1. The Justice of Peace must not bail one that is not bailable by Law. And on the other side, he must bail him that is bailable by Law, or he may be punished.

2. In case of Felony, there must be two Justices of Peace, and they two together present with the Felon to bail him.

3. The Sureties and the Sum are in his discretion; but if it be in case of Felony, he must see he take good Sureties for the Prisoners appearance, and bind him in a good sum to do it, or he may be fined for his neglect herein. If any Law appoint what the Sureties, and what the Sum shall be, that the party bailed must give, that must be pursued.

4. If the Justices shall at any time judge the Sureties insufficient, they may compel the party bailed to put him in better Sureties, or commit him to Gaol for lack of Bail.

5. It is said, That if the Sureties doubt the Prisoner, that he will run away and not appear, that they

**Chap. 20** they may take him and carry him to the Justice, and desire to be discharged, and that the Justice must discharge them, and that the principal is then to be committed till he put in new Sureties.

*The Forms of Recognisances.*

**3 Glouc. ff.** *Md.* That the first day of May, I S. of D. in the County of G. Yeoman, came before me W S. Esquire, one of the Justices of the Peace of the County of G. at K. in the same County, and acknowledged himself by way of Recognisance, to owe unto our Lord the King, and his Successors, twenty pounds of lawfull English money, to be levied of his lands and tenements, goods and chattels, to the use of our said Lord the King, and his Successors, if he fail in the Condition indorsed.

If there be more then one to be bound, then it is thus: *Md.* That the first day of May, I S. of, &c. C D. of, &c. and E F. of, &c. all three of them came before me, and acknowledged themselves severally to owe our Lord the King, and his Successors, ten pounds a piece, to be levied, &c. if I S. fail in the Condition indorsed.

*Another of the same.*

**4 Glouc. ff.** *Md.* That I S. of, &c. G D. of, &c. and E F. of, &c. the first day of May, &c. came before us W S. and L S. two of the Justices of the Peace within the County of G. And the said I S. did assume for himself in the sum of twenty pounds of lawfull money of England, to our Lord the King: And

## *The Forms of Recognisances.*

93

And the said C D. and E F. became bound for the Chap. 20  
said I S. either of them in the sum of ten pounds  
a piece, of like lawfull money, to our said Lord  
the King, to be levied of their lands and tene-  
ments, goods and chattels, by way of Recogni-  
sance, under the condition following, viz.

*Another of the same*

*Ad.* (As in the former) which several sums *Glouc. ff.*  
of money every of them hath acknowledged to  
owe to our Lord the King, and his Successors, if  
the said I S. shall make default in the Condition  
following, viz.

*Another of the same.*

*Ad.* That the first day of May, &c. at Dale in *6 Glouc. ff.*  
this County, I S. of, &c. C D. of, &c. and E F.  
of, &c. came before us W S. &c. two of the Ju-  
stices, &c. and did undertake for L M. of, &c.  
each of them under the pain of twenty pound a  
piece of lawfull English money: And the said  
L M. did then and there assume for himself in pain  
of forty pounds of like lawfull money, and all of  
them to our Lord the King, and his Successors, to  
be levied of their lands and tenements, goods and  
chattels, by way of Recognisance, to the use of  
our Lord the King, if the said L M. shall fail in  
the Condition hereafter following, viz.

If the party to be bound be within age, or a  
Woman married, then he or she must be bound  
by others after this manner, (as in the last, lea-  
ving out the last clause, And the said L M. &c.)  
And by these all other Recognisances may be  
made.

**Chap. 20** made, for they are after one form, and the difference is in the Conditions, which do now follow.

It is best to make them in Parchment; and yet being in Paper they are good enough in Law.

If the Condition be on the back of the Parchment or Paper wherein the Recognisance is, as it must be to the two first Presidents abovesaid, that conclude (if he fail in the Condition aforesaid.) Then it must be thus :

**7. To prefer a Bill of Indictment.** The Condition of the Recognisance within written, is such, that if the within bounden I S. shall at the next general Gaol-delivery to be holden in the County of Gloucest. prefer, or cause to be preferred one Bill of Indictment against one A B. late of G. in the said County of Gloucest. Labourers, now a Prisoner in the Castle of Glouc. for the felonious taking of twenty sheep, of the goods of the said I S. (or for the felonious killing of T S.) and shall also then and there give the best evidence he can concerning the same, as well to the Grand Jury that shall then make enquiry of the Felony, as also to them that shall pass upon the Trial of the said A B. and not depart without license of the Court; That then the same Recognisance shall be void.

*Or thus.* The Condition, &c. That if the said I S. shall personally appear at the next general Gaol-delivery to be holden for the County of Glouc. before the Lords the Justices of Assize and Gaol-delivery, and shall then and there prefer, &c. (as in the last.)

The



## *The Conditions of Recognisances.*

95

The Condition of the Recognisance within **Chap. 20**  
written, is, that if the within bounden I S. do  
and shall personally appear at the next general **8. To give in**  
Gaol-delivery to be holden in the County of G. **evidence,**  
before the Judges there, or at the general Sessions  
of the Peace to be held for the County of G. (as  
the case is) before the Justices of the Peace there,  
and then and there pursue and give the best evi-  
dence he can against one A B. late of C. in the  
said County, Labourer, now a prisoner in the  
Castle for the felonious taking away of a Mare of  
the goods of the said I S. and not depart without  
license of the Court; That then, &c.

*Or thus.* That if the within bounden I S. shall  
personally appear before the Justices of the Peace  
of the County of Glouc. at the next Quarter Ses-  
sions in the County aforesaid to be holden, then  
and there to inform the Court against one A B.  
&c. now a prisoner in the Castle, and not de-  
part without license of the Court; That then, &c.

The Condition of this Recognisance is such, **9. To appear**  
that if the within bounden I S. shall make his **to answer a**  
personal appearance before the Justices of the **Felony up-**  
Peace of the County of Glouc. at the next gene- **on a Bail**  
ral Sessions of Peace to be holden for the same  
County, then and there to make answer to our  
Lord the King, for and concerning the suspicion  
of stealing certain corn; That then, &c.

*Another of the same, and to keep the Peace.*

10. The condition, &c. That if the within  
bounden I S. shall personally appear before the  
Justices

Chap. 20 Justices of the Gaol-delivery, to be holden in the said County of Glouc. at the next Assizes and Gaol-delivery there, (or before the Justices of the Peace of the County of Glouc. at the next general Sessions of the Peace to be held in the same County,) to do and receive that which by the Court shall be then and there enjoyned him, and shall not depart thence without leave of the Court. And that in the mean time he be of good Behaviour, and do keep the Peace of our Lord the King, toward his Highness and all his People, &c. that then, &c.

*Another to the same purpose.*

11. The Condition, &c. That whereas the within bounden I S. hath now lately dangerously hurt one L M. of, &c. so as the said L M. is thereby in danger of death: If therefore the said I S. shall make his personal appearance before the Justices of the Gaol-delivery, at the next General Gaol-delivery to be holden in the County of Gloucester. then and there to make answer to the premises, and to do and receive that which then by the same Court shall be enjoyned him. That then, &c.

*Another.*

12. The Condition, &c. That if the within bounden I S. shall personally appear, &c. then and there to make answer to such matters as on the behalf of our Lord the King shall be objected against him by I D. of, &c. concerning, &c. [then shew the matter briefly, and conclude as in the rest before,] That then, &c.

So in the Condition for the Peace, and good Behaviour, they may be made after the same manner, by changing onely that which is to be changed. Chap. 20

But if the Condition be annexed to the Recognisance, as it must be to the latter sort of Recognisances above named, that conclude thus, Under the Condition following, viz. then must they run in this manner.

13. That the said I. S. shall personally appear For the at the next general Sessions of the Peace to be Peace holden for the said County, and in the mean time that he shall keep the Peace towards our said Lord the King, and all other the people of this Commonwealth of England, and chiefly towards L. M.

14. That the said I. S. shall personally. &c. (as For the in the last,) and in the mean time that he shall be good Beha- of good Behaviour towards our Lord the King, and viour, &c. (as in the last.)

Where divers Recognisances are to be taken at once, some have used to put them all in one Roll of Parchment together, after this form.

15. Md. That at Dale in the County of Glouc. 15 Glouc. ss. the first day of May, &c. I. S. Victualler of, &c. For Ale. came before me W. S. Esquire, &c. and did ac- house keep- knowledge that he did owe to our Lord the King, and his Successors, by way of Recognisance, twenty pounds of lawfull &c. And G. H. of, &c. and I. K. of, &c. did then also acknowledge to owe to our said Lord the King ten pounds a piece of lawfull English money, by way of Recognisance; to be levied of each of their, &c. under this

**Chap. 20** this Condition following, *viz.* That the said I S. being licensed to keep an Ale-house in the Town of Dale for one year now next following, shall not during the said term, suffer within his said house any play at unlawfull Games; but shall there use and maintain good order and rule.

*And then write under this.*

16. G H. of I. &c. did then and there acknowledge to owe to our said Lord the King ten pounds; and N O. of, &c. and P Q. of, &c. did then and there acknowledge to owe to our said Lord the King five pounds a piece, in manner as afore said, and under the condition afore said. And so for the rest.

*Observations upon this Warrant.*

I cannot warrant the latter end of these Recognisances to be good, but am rather inclined to believe, they are all of them, but the first, naught. And therefore do advise the Justices of the Peace, and their Clerks, to make them at length, and to decline this form.

*Another form for the Peace, or good Behaviour.*

17. *Memorand.* That A B. of C. &c. D E. of F. &c. G H. of I. &c. (such a time and place) came before me W S. Esquire, &c. and became Manucaptors, and undertook for T O. of, &c. That he should keep the Peace (or be of good Behaviour) towards our Lord the King and all his People, and especially towards I D. every

of the Manucaptors under pain of ten pounds a piece, and T O. under pain of twenty pounds; and that the said T O. shall appear before the Justices of the Peace, &c.

The Form of the Release of the Peace.

*Memorandum, quod primo die Julii, &c. prefatus E. F. xavit noram me: prefato T P. & gratis remisit & relaxavit (quantum in se est) predictam securitatem pacis per ipsam coram me versus supradictum B C. petitam: In cujus rei Testimonium ego prefatus T P. &c. Dat. &c.*

CHAP. XXI.

Of a *Mittimus*.

A *Mittimus* is an Order of Commitment of the what it is person of a man to Prison, by a Justice of Peace, to an inferior Officer, for the time the Law appointeth, for some offence by him done. And as touching this in general, you may observe these things.

1. In every *Mittimus* care must be had to set down these two things: First, the offence; Secondly, the true manner and time of punishment.

2. That there is very little difference between a *Mittimus*, and a Warrant of Commitment. This is to the Officer to take and carry a man to Prison, and that to deliver him to the Gaoler, which doth

*A Mittimus for Felony.*

**Chap. 21** imply a taking and carrying, both are to carry to Gaol: It may be easly therefore to change the form, and the one President may serve for a light by which to make the other.

3. The Title and form of one of these hereafter set down, may serve to direct all the rest.

4. By these forms hereafter set down, any other may be easly drawn, with very little alteration.

5. If the Mittimus be for a Felony, and the Felon hath confessed it upon his examination, the Mittimus must say so, for then he is not bailable.

**Divers Forms of Mittimus.**

*A Mittimus for Felony to the Gaol.*

**1 Glouc. ff.** **Wm S. and I S. Esquires,** two of the Justices, &c. To the Keeper of the Gaol within the Castle of Glouc. or his Deputy there being. We send you herewithal the bodies of **A. B. and C. D.** charged before us with the felonious using and practising of Witchcraft upon the body of a child of **K. L.** (or charged before us by **T. C.** of **K.** in the County of **G.** with robbing him on Friday last, and the taking of ten shillings from his person, which the said **A. B. and C. D.** upon their examination confessed.) Or thus, who stand charged before me upon the suspicion of stealing six Oxen, being the goods of **Sir I. E. Knight.**

*Mittimus for a disturber of a Minister.* 1011

Chap. 21

Knight. Or thus; Who is charged before me with the suspicion of a certain Felony by him committed, as it is said: Or otherwise, as the case is. Commanding you to receive the same A B. and C D. into the said Gaol, and them there safely to keep, until they shall be from thence delivered by due order and course of Law. Hereof fail you not at your peril. Given under our Hands and Seales at C. within the said County, the day, &c.

*A Mittimus for a disturber of a Minister in the Service of God.*

W S. &c. To the Constable of S. I send you herewith I S. of, &c. whom you are to take into your custody, and safely to keep for six days, for that he hath maliciously disturbed W S. of K. a Minister, in doing the service of God. Or thus; For that he caused W S. of K. a Minister, to be maliciously disturbed in doing the service of God. Or thus; For that he hath rescued L M. out of the hands of S T. an Officer, being by him apprehended for his malicious disturbance of W S. of K. a Minister, in doing the service of God. 2 Glouc. ff.

W S. and L M. &c. To the Keeper of the Gaol, &c. We send you herewith I S. of, &c. whom you are to take into your custody, and safely to keep in your said Gaol for three moneths, and til the next Quarter Sessions, for that it hath been proved before us by the Oaths of two Witnesses: Or thus, (by his own confession) if the case be so: that he hath maliciously disturbed

H 3

W S.

**Chap. 21** W S. of K. Minister, in doing the service of God.  
And hereof, &c.

*Observations upon this Warrant.*

It is good to be well advised upon this Commitment, for some think the Statute upon which it is grounded is determined.

*A Mittimus for the good Behaviour.*

3 Glouc. ff.

W S. &c. Whereas C D. hath been for matter of misbehaviour proved before me, by me required to find Sureties for his good Behaviour, which he hath refused to do. These are to require you, that presently upon sight hereof you receive him the said C D. herewith sent into your custody, and him to keep, and not deliver, till he shall find sufficient Surety for his good Behaviour, and appearance at the next general Sessions to be holden for the said County. And hereof, &c.

*So for the Peace, changing that which is to be changed, after this manner.*

4 Glouc. ff.

Whereas C D. hath been for good cause by me required to find Sureties for the Peace, which he hath refused to do. These are, &c. (as in the last) till he shall find Sureties for the keeping of the Peace, and his appearance, &c.



*A Mittimus of the reputed Father of a Bastard-child.*

W C. &c. I send you herewithal the body of I S. of B. in the said County, Labourer, brought before me this day, and charged by F O. of the same Town, to have gotten her with childe: And for that the said I S. refuseth to put in security for his appearance at the next Quarter Sessions, and to the end he may be forth-coming, when as Order shall be taken for the relief and discharging of the said Town of G. and for the keeping of the said child, when it shall happen to be born, according to the Statute in that case provided. These are to require, that you do immediately receive the said I S. and him safely to keep in your Gaol, until such time as he shall be thence delivered by due course of Law. Dated, &c. 5 Glouc. ff.

*A Mittimus for selling Ale, contrary to Command.*

W C. and C D. &c. Whereas I S. of, &c. a common Ale-house-keeper, upon complaint lately made to us, of the evil rule kept and suffered by him in his house, was by Warrant under both our Hands and Seals, discharged of his Ale-house-keeping, and forbidden to sell any more Ale or Beer. And we are credibly informed, that the said I S. doth notwithstanding obstinately, and of his own authority keep a common Ale-house, and commonly sell Ale and Beer. We do therefore

H 4

**Chap. 21** fore herewith send you the body of the said I S. commanding you to receive him into your said Gaol, and there safely to keep him for three days without bail or mainprise, and afterwards, until he shall with two sureties enter into Recognisance, that he shall not keep any common Ale-house, or use common selling of Ale or Beer, and pay his Fine of twenty shillings, according to the Statute in that case provided. And hereof, &c.

*An Observation on this Mittimus.*

It is good to advise well upon this commitment, whether upon a bare complaint or information that a man doth sell after he is discharged, he may be committed? and whether there must not be before this a legal conviction of him for the crime.

*A Mittimus of an Overseer that refuseth to account.*

**7 Glouc. ff.** W S. and L M. Esquires, two of the Justices, &c. To the Keeper of the Gaol within the Castle of Gloucest. We send you herewith I S. and W R. the late Overseers of the poor of the parish of Dale, for that they being called before us, to give in a true account of the moneys by them received and laid out in the time of execution of their said Office, they did in our presence wilfully refuse so to do: We require you therefore them safely to keep without bail or mainprise, until they shall make a true account thereof, and satisfie and pay to the present Churchwardens and Overseers

*Mittimus for several occasions.*

105

Chap. 21

Overseers of the poor of the same parish, so much as shall thereby appear to be remaining in their hands. And hereof fail you not, &c.

*An Observation upon this Mittimus.*

This Commitment seemeth to me warrantable, because the offence is in the presence of the Justices, and there needs no conviction of it: But if he refuse to appear before the Justices, it may be doubtfull.

*A Mittimus of a dangerous Rogue to the Bridewel.*

W S. and L M. &c. To the Master or Governor of the house of Correction, or his Deputy there. Whereas I S. a sturdy vagrant Beggar was this day brought before the Constable of Dale, and charged as well with begging and idle wandering abroad, as also with other disorderly behaviour, so as he appeareth to us to be dangerous to the inferiour sort of people, contrary to the Laws of the Nation in that case provided. These are therefore to require you to receive the said I S. into your custody, and him safely to keep in your house of Correction, until the next Quarter Sessions to be holden for this County. And that during all the time he shall continue with you, and be in his good health, you do hold him to work, and punish him by putting fetters and gyves upon him, and by moderate whipping of him. And that you give him no more for his maintenance, then what he shall deserve or earn

Chap. 21. earn by his labour. And that you have the said I S. and this Precept at the said next Quarter Sessions.

*A Mittimus of a vagrant or disorderly person.*

9 Glouc. ff. W S. &c. We have sent you herewithal the body of E. C. of G. in this County, being an idle, dissolute and disorderly person, and one that liveth idlie, and wandreth begging about the Countrey, and brought before us by the Constable of Dale, whom you are hereby required to receive, and him to keep in your Bridewel to work, until he shall be from thence duly delivered by order and course of Law: And in the mean time you are to keep him to work, and see to it, that he have no more for his maintenance, then what he can get by his work. And hereof, &c.

*A Mittimus for one that runneth away, and leaveth her Charge to the Town.*

10 Glouc. ff. W S. &c. We have sent you herewithal the body of I L. of W. in the said County, single woman, being lately delivered of a child, and one that is able to labour, and thereby to relieve her self and her said child, and hath notwithstanding lately run away, and left her child upon the Parish, to the charge of the same Parish, contrary to the Statute in that behalf provided. These are therefore to require you to receive her, &c. (as in the last.)

W S.

*Mittimus for several occasions.*

107

Chap. 21

W S. &c. We send you herewith the body of I S. of, &c. for that she being a poor woman, able to work, and having a great charge of children, and like to charge the Parish, she doth threaten to run away from her charge, and leave it to the Parish. These are therefore, &c. (as in the last.)

*A Mittimus of the Mother of a Bastard-child.*

W S. We send you herewithal the body of I C. of W. in the said County, single woman, lately delivered of a Bastard-child, likely to be chargeable to the Parish of W. aforesaid; and for that the said I C. is able to labour, and that thereby she may the better relieve her self and her said child. These are to require you, to receive the said I C. in your Bridewel, there to be punished and set on work, during the term of one whole year, according to the Statute in that behalf provided. 12<sup>th</sup> Glou. ss.

*Observations upon these three last Presidents.*

These three last Mittimus being grounded upon 7 Jac. 4. it is good to advise upon them; for the Statute doth not prescribe any way of Conviction, unless it come under the general words of 39 Eliz. 4. that these be taken for idle and disorderly persons; for that being proved before by two witnesses, before two Justices, one of them being of the Quorum, this is a Conviction of Law.

For a Mittimus for a forcible Entry, see it in Chap. 6.

Chap.

## CHAP. XXII.

*About a Superseas.**The Form of Superseas.*

*Glouc. ff.* **W**S. To the Sheriff, Bailiffs, Constables, and other the Officers and Ministers of our Lord the King, for the keeping of the peace within the County of Gloucest. and every of them. Forasmuch as A B. of, &c. hath personally come before me at Dale in this County, and hath found sufficient sureties, that is, C D. of, &c. and E T. of, &c. either of which hath undertaken for the said A B. under pain of ten pounds a piece, and he the said A B. hath undertaken for himself under pain of twenty pound, that he the said A B. shall well and truly keep the peace towards our Lord the King and all his people, especially towards G F. of, &c. Yeoman; and also that he shall personally appear before the Justices of the peace of the said County, at the next general Sessions of the peace to be held for the same County. Therefore I command you, and every of you, that you utterly forbear and surcease to arrest, take, imprison, or otherwise by any means for the said cause, to molest the said A B. And if you have for the said cause and none other taken or imprisoned him, that then you do cause him to be delivered and set at liberty without further delay. Given at Dale aforesaid, under my Hand and Seal, &c.

*Another*

*Another for the same.*

W S. Esquire, &c. To the Sheriff of the County of Glouc. &c. and to all Constables, &c. Forasmuch as I S. of, &c. hath come before me, and found sufficient surety, that he shall keep the peace towards our Lord the King and all his people, especially towards I K. of D. aforesaid, and that he shall personally appear before the Justices of the Peace of the said County, at the next general Sessions of the peace to be holden for the said County. Therefore I require and command you, and every of you, that you do altogether forbear and surcease to attach, arrest, or imprison him the said I. S. or otherwise to molest him by any means for the said cause. And if you have upon any Precept for the peace, and for that cause and none other already taken and imprisoned him, that then you do cause him to be delivered and set at liberty without further delay. And this shall be your Warrant. Given &c.

2 Glouc. ff.

2. For the Peace.

There may be a Superfedeas in case of Felony, For a Felon where the prisoner is bailed, thus: Because A B. of, &c. hath come before us, &c. and put in sufficient bail to be before, &c. to answer the Felony wherewith he is charged, &c.

Or thus. A B. of, &c. hath come before us, &c. and put in sufficient bail to be before, &c. to answer the Felony wherewith he is charged, &c. W S. &c. To, &c. Forasmuch, &c. I do therefore require you, that from compelling and imprisoning the said A. and his Wife, or either of them any security for the peace towards our Lord the

3 Glouc. ff.

**Chap. 23** the King, and all the People of this Commonwealth, before you or any of you again to find, you do supersede, or cause to be superseded. And if, &c. that then you do immediately them out of such prison, in which they, or either of them are detained, deliver or cause to be delivered, &c.

*Observations upon these Warrants.*

This last Superfedeas is good, though it name neither the sureties, nor the sums wherein they are bound; but it is held the better Form to express both.

4 *Gloze. ff.*  
Upon a Sup-  
plicavit a-  
gainst an  
Infant.

W S. &c. To the Sheriff, &c. Know ye that I have received a Writ of our Lord the King, in these words; Charles, &c. (remitting all the Writ word for word.) Forasmuch as C D. of, &c. and E F. of, &c. and the said A B. (being the Infant against whom the Writ of Supplicavit was granted) have personally appeared before me the said W S. and the said C D. and E F. have undertaken for the said A B. who is within the age of 21 years, (to wit) either of the said manucaptors in twenty pounds a piece, which each of them have acknowledged to owe to our said Lord the King, by way of Recognisance, to be levied on their lands and tenements, goods and chattels, to the use of our said Lord the King, (to wit) that the said A B. no damage or ill shall do, or procure to be done to any of the people of this Commonwealth, in their bodies, or burning of their houses, and especially to T. R. Therefore I require you, and every of you, to forbear, &c. (as in the rest.)

This



*About Superseas.*

III

This may also be to stay proceedings of Arrest or Imprisonment against a man upon good Behaviour, or upon a *Capias*, upon an Indictment for Trespass, or the like, thus,

W S. To, &c. Forasmuch as I S. of, &c. came before me this first day of, &c. at Dale in this County, and hath found sufficient Manucaptors to be at the next General Sessions of the Peace to be held in this County, before the Justices of the Peace there, to answer to our Lord the King of certain trespasses, contempts and offences whereof he is indicted. Therefore I command you, &c. (as in the rest.)

Chap.

## Chap. 23

## CHAP. XXIII.

## Of a Liberate.

1 *Glouc. ff.* **W S. &c.** To the Keeper of the Gaol in the Castle of Gloucester Forasmuch as I S. of, &c. hath before us found sufficient mainprise to appear before the Justices of the Gaol-delivery, at the next general Gaol-delivery to be holden in the said County, there to answer the things that shall be objected against him touching the felonious stealing of two sheep, for the suspicion whereof he was committed to your Gaol. These are to require you, in case he be there detained in prison for this and no other cause, that you forthwith deliver him, and let him go at large. Given under our Hands, &c.

2 *Glouc. ff.* **W S. &c.** To the Keeper, &c. I S. being by me committed to your custody in your Gaol, till he put in sureties for the peace or good behaviour (as the case is.) These are, &c. (as in the last.)

*Observations on this.*

If one Justice of his own head commit a man to Gaol or Bridewel, he may again deliver him, and he need not shew the cause: or if it be for the peace or good behaviour, to tell the Keeper that he hath

hath taken Sureties : we think it safe for a Keeper  
to have this from a Justice always when he deli-  
vers his prisoner. By these other Liberates may  
be made,

Chap. 23

*Of a Release.*

I have seen a Release of the Peace by a Justice  
of Peace that took it, and Presidents of Releases  
of the Peace and good Behaviour; but I under-  
stand not of what use they are; for the party must  
appear: onely the Release of the Peace, &c. is  
an evidence that the Prosecutor is not afraid of  
him, and therefore the Court will not probably  
continue him bound.

I

Chap.

## CHAP. XXIV.

## Of a License and Testimonial.

1 Glouc. ff. **W** S. and I S. Two of the Justices, &c. Know  
To sell Ale. all men by these presents, That we do hereby  
license I M. of, &c. to keep a common Ale-  
house in L. aforesaid, in the house there where  
he now dwelleth, for one whole year next ensuing  
the date hereof, so that he do not, during that  
time, suffer any unlawfull Games to be used, nor  
any evil rule or disorder to be done in the same  
house. Dated, &c.

So to brew and sell Beer, and keep a common  
Alehouse, &c.

2 Glouc. ff. **W** S. &c. To all, &c. I S. of, &c. where he  
To travel now liveth, having informed me that he had a Fa-  
on the Lords ther living at D. in the County of S. where he li-  
day. eth now very sick, and he hath a desire to visit  
him. Now know ye, that for this cause I do  
hereby license him to travel upon the next Lords  
day the direct way to him; willing and requiring  
you not to molest him for the same, so he behave  
himself orderly in his travel. Dated, &c.

3 Glouc. ff. **I** S. a sturdy vagrant beggar of low personage,  
Describe him. red haired, &c. and about twenty years, was this  
To convey first day of May openly whipped at W. in the said  
a Rogue County, according to the Law for a wandring  
Rogue, and is assigned to pass forthwith from Pa.  
rith

# Of a License and Testimonial.

115

Chap. 24

fish to Parish, by the Officers thereof, the next  
straight way to P. in the County of W. where  
(as he confesseth) he was born, (or dwelled last  
for one whole year, if the case be so) and he is  
limited to be at P. aforesaid within ten days now  
next ensuing at his peril. Given at W. under the  
Hands and Seals of W. S. Esquire, one of. &c.  
and I D. the Constable of W. aforesaid.

W. S. &c. one, &c. To all Constables, Ty-  
thingmen, &c. Forasmuch as I am credibly infor-  
med, that I S. the bearer hereof, of low perso-  
nage, &c. hath been at Sea, and there the first  
day of May last suffered ship-wreck, and hath not  
wherewith to relieve himself in his travel to the  
place of his birth (or last dwelling.) These are  
to desire you to suffer him to pass the next way to  
the said place, where he is limited to be within  
forty days next after the date hereof, and not to  
trouble, but rather to relieve him.

4 Glouc. ff.  
For one that  
hath suffere  
ed ship-  
wreck, &c.  
Soldier, &c.

The like may be for a poor Souldier.

W. S. and I S. two of the Justices, &c. To  
all, &c. The bearer hereof, I S. of, &c. having  
[shew the cause of his travel] desired our Testi-  
monial or License for his safe travel to the City  
of B. [shew whither he is to go] wherefore we  
(as much as is in us) do license him to travel the  
direct way from H. in the County of G. to the  
said City, so as his journey be not continued longer  
then twenty days next after the date hereof; and  
pray you to suffer him to pass in peace, so as he  
demean himself orderly.

5 Glouc. ff.  
To travel.

And by these a Testimonial may be made for  
I r other

Chap. 23

other things; as, for a Labourer in Harvest-time to go into another Countrey to work, or a Servant departing at the end of his year.

## CHAP. XXV.

## Of a Certificate.

**A** Certificate of the Presentment, or Verdict of the Jury may be made into the Kings Bench; the like may be made of the Record of a Force viewed by the Justice.

These Certificates (and the like) may be made by the Justice of Peace by way of a Letter, inclosing therein the Presentment of the Jury, or the Record of the Justice, except the same be removed by *Certiorari*, the forms whereof see in the end of this Cabinet, and *Fitz. Nat. Brev.* 242, &c.

Or the Justice of Peace may deliver the same into the Kings Bench without *Certiorari*, he being a Judge of Record.

Of a Record  
or a Certio-  
rari.

It may be done on the back of the Writ, thus:  
I W S. &c. one of the Justices of the Peace  
of our Lord the King in the County of Gloucester.  
The tenor of the security of the Peace, of which  
there is mention in this Writ, (or whereof there is  
mention herein) to our said Lord the King into  
his Chancery under my Seal distinctly and openly,  
do send, as appeareth in the Schedule to this  
Writ annexed. Then write the Recognisance  
*verbatim*. *Md.* that the first day of May, &c.  
came before me, &c. in witness whereof, I the  
said W S, have put to my Seal. Dated, &c. And  
lee

## *A Certificate for Swearing.*

117

let him set his Seal, and then file all this to the back of the Cerciorare. Chap. 25

Write upon the back of the *Supplicavit* thus:

The execution of this Writ appeareth in the Schedule to the Writ annexed. And put his name to it.

Then the Schedule may be thus, and filed to the back of the Writ. I W S. &c. certifie in the Chancery to our Lord the King, That I by vertue of this Writ (to me first delivered by A B. in the Writ named) caused to come before me the first day of May, T R. in the same Writ named, and have compelled him to find sufficient security and manucaptors, according to the form of the said Writ (as the Writ doth appoint.) In witness whereof I have put my Seal to this present Certificate. Dated at C. aforesaid, in the County aforesaid, the said first day of May. And herewith the Justice may, if he will, send the Recognisance, or he may keep it till it be sent for by *Certiorari*. A Binding by Supplicavit.

### *For Swearing,*

I W S. Esquire, one of the Justices, &c. do certify to the Clerk of the Peace for the County of Glouc. that the persons whose names are hereunto subscribed, were since the last Quarter Sessions convicted before me for swearing one profane oath a piece. Given under my Hand and Seal, this, &c. For Swearing.

By these forms you may the better see how to make other Certificates.

The Certificate of a Riot, see *Dalt. Just. of P.* Chap. 130.

## CHAP. XXVI.

*Indictments of Treason of several sorts, and  
the nature of the Judgements thereupon.*

For counterfeiting a Protection, and putting to it  
the Great Seal taken from other old Letters  
Patents.

**I**uratores, &c. Præsentant, quod A B. nuper de C.  
in Com. H. Husbandman, & D E. prædict.  
Yeoman, machinantes quomodo populum Domini  
Regis nunc subtilissime possent decipere, vel defrau-  
dare, & Dominum Regem, de his quæ ad ipsum Re-  
gem pertinent, & Regalia sua ut de feodi Magni Si-  
gilli & huiusmodi exheredare, & veram Legem  
Angliæ à toto tempore usitatam & approbatam sub-  
vertere & adnullare, 10<sup>o</sup>. die Janu. Anno, &c.  
apud R. in Com. S. deceptivè, falso, & proditoriè  
quasdam falsas Literas Patentes ad similitudinem  
scrip. Cancellar. Domini Regis, contrefect. quasi  
essent Literæ Patentes de protectione ipsius Regis,  
sub nomine J C. Clerici Hanaperii Domini Regis  
ac unus Clericorum Cancellariæ prædictæ script.  
hunc tenorem continent, viz. C. Dei gratia, &c.  
(reciting the Letters Patens verbatim.) At cum  
idem A B. & D E. dictas falsas Literas Pa-  
tentes sic ut præmitt. contrafecissent, non habentes  
Magnum Sigillum Domini Regis, deceptivè, falso,  
& proditoriè machinant: qualiter ipsi falsas &  
fictas Literas Patentes huiusmodi subtilius possent  
sigillare, & Magnum Sigillum Domini Regis con-  
trafacere,



trafacere, dicto 10<sup>o</sup>. die Janu. Anno supradicti. apud H. in Com. predicti. quoddam Magnum Sigillum Domini Regis, super quasdam Literas Patentes ipsius Domini Regis præantea pend. & debite impositum, acceperunt, assumentes sibi Regiam potestatem, & ipsum Regem regali sua auctoritate (quantum in eis fuit) privant. adtunc & ibidem cum quodam cultello arripuerunt, & illud dictis falsis, fictis, & contrafactis Literis Patentibus, deceptivè & proditorie apposuerunt & annexerunt, & easdem literas sigillaver. sigill. ill. subtiliter recludendo quasi sic non fecissent, & sic Magnum Sigillum Dom. Regis, adtunc & ibidem proditorie contrafecer. & cum præmissa sic fecissent, dictas falsas, & contrafactas Literas Patentes, (ut prædictur,) sigillat. 7<sup>o</sup>. die Martii, Anno, &c. apud Villam de N. in Com. M. ac in diversis aliis locis ejusdem Com. tanquam Literas Patentes ipsius Domini Regis de protebt. deceptivè, falso, & proditorie publicaverunt, & diversas pecuniar. summas de diversis ligois Domini Regis receperunt colore dictarum falsarum, fictarum, & contrafact. Literarum Patent. in deceptionem Domini Regis, ac populi sui præjudicium, & exheredationem dicti Domini Regis manifestam, contra pacem ejusdem Domini Regis, Coronam & Dignitatem suas, ac contra formam Statut. in hujusmodi casu edit. & provisi.

Judgement, to be drawn and hanged, for a man ;  
and for a woman, to be burned.

*Indictments for Treason.***An Indictment for clipping of Gold and Silver, and uttering the same.**

*Juratores, &c. quod E. B. de Civitat. Lincoln. Pedlar, die & anno, &c. ac diversis diebus antea & postea apud Civitat. prædict. 40 pec. auri vocat. P. ac 400 pecias argenti voc. Groats, bonæ & legalis monete Angliæ, & cunagii dict. Domini Reg. pro lucri causa falso, felon. & proditoriè totondit & flavit, ita quod per tonsionem & filationem illas qualibet pecia auri inde de 12 d. in suo debito pondere diminuebatur, & qualibet argenti inde de uno obulo in debito suo pondere diminuebatur, & monet. ill. in forma prædict. tonsam & filat, diversis li gei dict. Dom. Regis apud Civitat. prædict. in Com. prædict. falso, felon. & proditoriè exposuit & uteravit, contra formam Statut. &c. ac contra Pacem, &c.*

*Judgement ut supra.*

**For a Jesuite, and his Receiver.**

**High Treason in the Jesuite, and Felony in the Receiver, without Clergy.** *Inquiratur pro Domino Rege : Si A. B. nuper de C. in Comitatu prædicto Clericus, natus apud D. in Comitatu prædicto, atque infra annum jam proxime præteritum factus & professus Jesuita per auctoritatem à Sede Romana derivatam, proditoriè apud D. prædict. in Comitatu prædict. septimo die Apr. anno Regni dicti Domini nostri Caroli, Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. duodecimo, à partibus transmarinis applicuit, & dicto septimo die anno supradicti, & nonnullis alijs diebus tunc proxime sequentibus apud*

## Indictments for Felonies.

121

Chap. 26

apud D. prædict. in Comitatu prædict. proditorie  
moram fecit, ac remansit, contra formam cuiusdam  
Statut. in Parlamento nuper Domine Regine Eli-  
zabethæ tunc tento apud Westmonasterium in Comita-  
tu Middlesexie, anno Regni sui vicesimo septimo,  
in huiusmodi casu provisi & editi, ac contra Pacem  
dicti Domini Regis, Coronam, & Dignitatem suas  
Etsi N P. de D. prædict. in dicto Comitatu gene-  
rosus scienter, voluntarie, & felonice, postea sci-  
licet, dicto septimo die dicti mensis Aprilis anno su-  
pradieto, prædict. A B. apud D. prædict. in Co-  
mitatu prædicto receptavit, & confortavit: dict.  
N P. ad tunc & ibidem ad largum, & extra pri-  
sonam existent. ac Præfat. A B. huiusmodi Jesuitam  
esse, tunc & ibidem sciente, & cognoscente; con-  
tra formam Statuti prædicti, ac contra Pacem, Co-  
ronam, & Dignitatem dicti Domini Regis nostri.

---

## Indictments for Felonies of several sorts.

### For killing a man by Witchcraft.

Furatores præsentant pro Domino Rege; Quod S B. Felony,  
de C. in Comitatu prædicto Spinster, 19 die Augusti, <sup>without</sup>  
anno regni dicti Domini nostri Caroli, Dei gratia <sup>Clergy.</sup>  
Anglia, &c. duodecimo, ac diversis aliis diebus  
post dictum 29 diem, quasdam artes detestandas,  
Anglicè vocatas Witchcraft and Sorcerie, nequi-  
ter & felonice practicavit & exercuit apud C.  
prædict.

## Indictments for Felonies.

predict. in Comitatu predict. in, super, & contra  
quendam Jacobum M. de C. predict. in dicto Comi-  
tat. Yeoman, per quas quidem artes dictus J. M.  
à predicto 19. die Augusti, Anno 12.º. supradicto,  
periculosissime ac mortaliter egrotabat & languis-  
bat: Ac 25 die dicti Augusti, Anno supradicto,  
idem J. M. per artes predictas apud C. predict. in  
dicto Comitatu obiit. Et sic Juratores predicti pre-  
sentant, quod eandem S. ipsam Jacobum M. apud C.  
predict. modo & forma supradictis, ex malitia sua  
præcogitata, voluntariè, diabolicè, nequiter ac fe-  
lonicè per Artes predict. occidit ac interfecit, con-  
tra Pacem dicti Domini Regis nostri, ac contra for-  
mam Statuti in Parlamento Domini nostri nuper Re-  
gis Jacobi (tenus apud Westm. in Comitatu Middle-  
sexis, Anno Regni sui primo) in hujusmodi casu pro-  
visi ac editi.

## For Burghlary in a Church.

Clergy de-  
nied.

Juratores presentant pro Domino Rege, quod W. B.  
de D. in Comitatu predict. Tailor, secundo die  
Maii Anno Regni dicti Domini nostri Caroli, Anglia,  
&c. 12.º. vi & armis Ecclesiam parochialem de D.  
predict. in dicto Comitatu, felonice & burghlari-  
ter frogit & intravit nocturnè, viz. inter horas  
10<sup>m</sup>. & 11<sup>m</sup>. post meridiem ejusdem diei, ac unum  
Calicem Argentum, (Anglicè vocat. A Commu-  
nion Cup,) ad valentiam 70 Solidorum, de bonis  
& catallis Parochianorum de D. predict. ad tunc  
existentem in eadem Ecclesia, & tunc ibidem inven-  
tum felonice cepit, & asportavit, contra pacem di-  
cti Domini Regis nostri, Coronam & Dignitatem suam.

For

## Indictments for Felonies.

127  
Chap. 10

For the Rape of a Woman-child, under  
ten years of age.

*Juratores pro Domino Rege presentant, quod T S. Clergy de  
de N. in Comitatu predicto, Labourer, primo die nied.  
Junii, Anno Regni dicti Domini nostri Caroli, Dei  
gratia Angliae, &c. 12. apud N. predicti. in dicto  
Comitatu (in domo mansionali ibidemcujusdam R B.  
Yeoman) vi & armis in quandam M O. de N.  
predicti. in dicto Comitatu puellam, infra aetatem  
decem annorum tunc existentem, insultum fecit, ac  
tunc & ibidem, eandem M O. felonice, ac carnali-  
ter cognovit, ac eadem M O. nequiter abusus est,  
contra Pacem dicti Domini Regis nunc, ac contra for-  
mam Statuti in Parlamento nuper Domina Regina  
Elizabethae (tento apud Westm. in Comitatu Mid-  
dlesex, Anno Regni sui decimo octavo) in hujus-  
modi casu provisi ac editi.*

For taking away a Widow (against her  
will) that hath Lands.

*Juratores presentant pro Domino Rege, quod A B. Clergy de-  
de G. in dicto Comitatu Taverner, nono die Maii, nied.  
Anno Regni dicti Domini nostri Caroli Dei gratia  
Angliae, &c. 12. vi & armis in domum mansionalem  
cujusdam B H. de C. predicti. in Comitatu predicto  
viduae, infra Parochiam de C. predicti. in Comitatu  
predicti. intravit, (qua quidem B H. tum seista  
fuit in dominico suo ut de feodo, de & in diversis  
terris & tenementis in C. predicti. in Comitatu pre-  
dicti. clari annui valoris decem librarum ultra omnes  
reprises*

**Chap. 26** reprimis existentibus) ac immediate postea, viz. dicto nono die Maii, anno supradicto, idem A B. prædictam B H. tunc ibidem in dicta domo sua in pace Dei, ac dicti Domini Regis existentem, ex dicta domo sua mansionali contra voluntatem ipsius B H. illegitimè ac felonice extraxit, eripuit & abduxit, ac eandem B H. postea (scilicet duodecimo die dicti mensis Maii, anno supradicto) in Ecclesia parochiali de C. prædict. in Comitatu prædicto cepit in uxorem suam; ubi idem A B. dicto tempore extractionis & abductionis prædictæ, non clamavit, nec clamare potuit eandem B H. tanquam wardam suam, aut tanquam nativam suam: In magnam pacis dicti Domini Regis nunc perturbationem, ac contra formam cujusdam Statuti in Parlamento Domini Henrici nuper Regis Angliæ septimo, tanto anno Regni sui tertio, in huiusmodi casu provisi ac editi.

See 39 Eliz. cap. 9. whereby Clergy is taken away from Principals, Procurers, and Accessaries before the offence committed onely.

### An Indictment for marrying a second Wife, the former being alive.

Juratores pro Domino Rege, &c. præsentant, quod A B. de C. in Comitatu prædicto, Ycoman, die & anno, &c. apud D. in Comitatu prædicto secundum leges sancte Ecclesie cepit in uxorem & maritavit quandam J F. modo in plena vita apud R. in Comitatu prædicto existentem. Et quod idem A B. postea, scilicet die, &c. anno, &c. timorem nec honorem Dei omnipotentis præ oculis suis non habens quandam M B. apud L. in Comitatu prædicto nequiter & felonice in uxorem duxit & maritavit (prædict. J F. tunc vivente,

vivente, & nullo divorcio inter eas prahabito) Chap. 26  
contra formam Statuti in hujusmodi casu editi &  
provisi, & contra Pacem, &c.

**An Indictment for acknowledging a  
Recognisance in the name of another <sup>21 Jac. 2. 12.</sup>  
without his privity.**

*Juratores pro Domino Rege, &c. presentant, quod Clergy de:  
A B. de C. in Com. D. gen. die, &c. anno, &c. apud med.  
S. in Com. predict. venit coram J. H. Ar. uno Ju-  
sticiariorum Dom. Regis nunc ad Pacem in Com. pra-  
dict. conservand. assignat. & tunc & ibidem coram  
prefato J. H. in nomen cujusdam R P. Ar. quandam  
Recognitionem pro conservatione Pacis dicti Dom. Re-  
gis in summa viginti librarum Sterl. dicto Dom. Regi  
nunc absque notitia, aut consensu predict. R P. fe-  
lanticè recognovit, contra formam Statuti, &c.*

The like for a Stat, Merchant, Staple, &c. up-  
on 21 Jac. mutatis mutandis.

**An Indictment of Trespas De muliere  
abducta cum bonis viri.**

*Juratores pro Domino Rege, &c. presentant, quod Fines and  
J P. de, &c. die, &c. anno, &c. vi & armis, &c. Imprison-  
ment.  
quandam M. Uxorem cujusdam A. apud S. in Com.  
predict. rapuit, & eam cum bonis & catallis ipsius  
A. viz. una toga, &c. ad valentiam, &c. cepit, &  
abduxit, & ea ei adhuc injustè detinet, contra Pa-  
cem Dom. Regis nunc, Coron. & Dign. suas, & con-  
tra formam Statut. in hujusmodi casu editi & pro-  
visi.*

**Against**

### Against Bakers conspiring to make small Bread.

Judgment,  
Fine and  
Imprison-  
ment.

*Furatores pro Dom. Rege, &c. presentant, quod A. B. C. D. E. F. G. & H. de M. in dicta Com. pistorum, secundo die mensis Maii, Anno Regni dicti Domini nostri Caroli, Dei gratia, Anglie, Scotie, Francie, & Hibernie Reg. fidei defensor. &c. 12. apud M. predict. in Com. predict. insimul conveniunt, conspiraverunt, ac mutuo inter se promiserunt, quod panis denarius, vocat. The penny Loaf, de integro frumentis, per eos seu eorum aliquem tum princeps faciendus ac vendendus, non amplius quam sex uncias Troje ponderis habeat & ponderabit, quodcumque in posterum foret unius quarterii pretium: in dicti Domini nostri Regis subditorum gravamen, nec non contra formam diversorum Statutorum in huiusmodi casu provisorum & editorum, & contra Pacem, &c.*

### An Indictment against a Vintner for selling of Wine and Ale by false measures, and breaking the Assize.

Judgment  
Ut supra

*Furatores, &c. dicunt & presentant, quod A. B. de C. in Com. M. Vintner, die, &c. anno, &c. assisum Vini & Cervisie nimis cara venditione, & falsis mensuris eorundem apud C. predict. fregit; contra formam Statut. in huiusmodi casu editi & provisi, & contra Pacem, &c.*

Against



Against a Butcher for selling unsound Meat.

*Juratores, &c. presentant, &c. quod A B. de C. Judgment in Com. D. prædict. Macellarius, die, &c. anno, &c. Ut supra. apud C. prædict. carnes insalubres, (viz. putrid. corrupt. & ventilat) fraudulenter, subdolè, & deceptivè venditioni exposuit; in malum exemplum, & magnum periculum subditorum Dom. Regis nunc, & contra Pacem, &c.*

The like against a Fishmonger, or any other that selleth corrupt Bread, Wine, Ale, or, &c. *mutatis mutandis.*

---

FINIS.

---

Ex. f. 10.  
11/23/10